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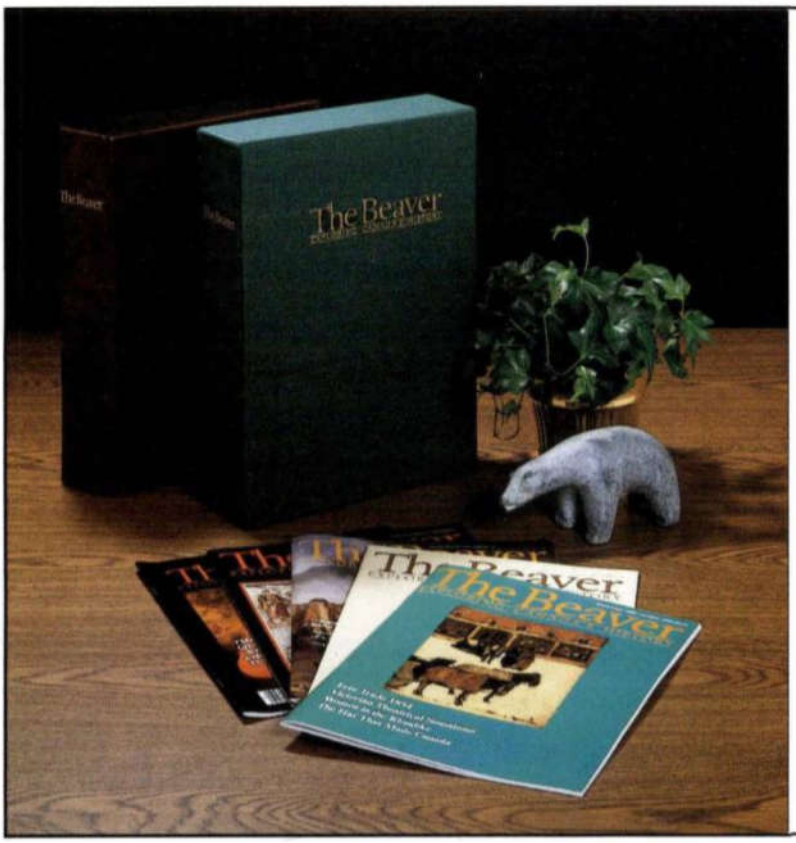

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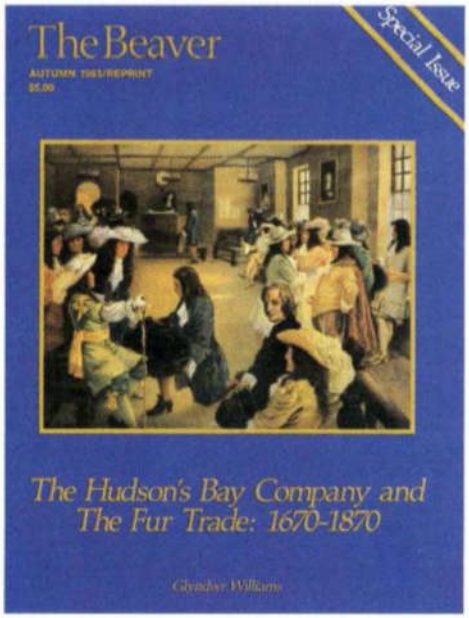

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By GLYNDWR WILLIAMS

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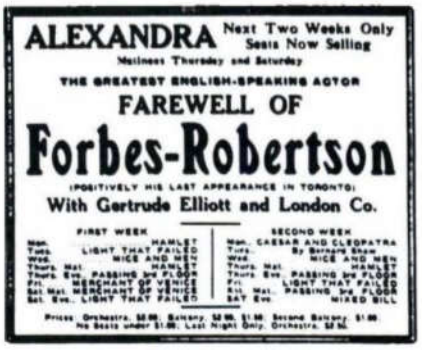


The Winter of Our Discontent

There is nothing more difficult to arrange, more doubtful of success, and more dangerous to carry through, than initiating changes in a state's constitution.

Niccolo Machiavelli first came to this rather obvious conclusion about the perils of dealing with constitutional change as long ago as the sixteenth century and generations of Canadian statesmen — not to mention mere politicians — have regretfully endorsed this view. Other nations have occasionally succeeded in setting their constitution to rights, but for Canada the search for constitutional satisfaction has been a constant obsession and a regular disappointment. The great problem of the amending formula runs like a leitmotif through the history of the nation.

Some countries manage to get along without a constitution, as such. A Briton, for example, cannot go to the Houses of Parliament or the British Museum and ask to see the Constitution. The British keep their Constitution more or less in their heads.

Americans, on the other hand, flock to the national shrine at Washington D.C. to look at their Constitution and there is a tendency to view the document and its various amendments as a kind of sacred text.

What is a constitution? The simple answer is that it is a body of fundamental principles according to which a state is governed; it describes how the state is organized. Power flows to the various areas of government from the constitution.

The British North America Act, passed at Westminster in 1867, defined Canada as a nation, although the new Dominion was really more colony than nation. Its self-governing powers were limited to domestic questions; Canada's external relations were in the hands of the British Foreign Office; the monarch could disallow Canadian legislation on the advice of the British government. It was not much, but it was all we had and it set Canada's feet on the road to nationhood, a grown daughter but still subject to a degree of parental control.

The new nation was not sharply defined. In an essay on Mackenzie King written almost half a century ago, historian Frank Underhill commented on "our Canadian preference, in spite of the clearness of our physical climate, for living constantly in an atmosphere of mental haze. We never make issues clear to ourselves. We never define our differences so that they can be understood clearly or reconciled. Our Fathers of Confederation created a Dominion of Canada without ensuring that there should be any clear understanding of the respective limits of federal and provincial jurisdiction."

Unlike the Americans, he asserted, "we prefer to leave issues undefined, with an assumption that all right-thinking people would agree about them if ever they were defined."

From the beginning, Canadians indicated a keen interest in altering the conditions of their nationhood. The imperfections of the British North America Act were soon apparent. In 1870 Sir John A. Macdonald was appointed one of six British plenipotentiaries who negotiated a treaty (the Treaty of Washington) which involved Canadian interests. Sir John felt that Canadian concerns were not well addressed by the five Foreign Office appointees from Britain who served on the delegation. "My colleagues," Sir John wrote, "were continually pressing me to yield; I was obliged to stand out and, I am afraid, to make myself extremely disagreeable to them."

It was becoming clear that Canada had to have a greater say in matters of direct concern to the nation. Objections were expressed once again in 1903 when it appeared that Canadian interests had been neglected in the negotiation of the Alaska boundary with the United States. The question came to a boil in 1923 when Canada, feeling a new maturity brought about by its participation in World War I and by subsequent activities at the Versailles peace table and at the League of Nations, set a precedent by concluding a treaty on halibut fisheries in the North Pacific through direct negotiations with the Americans.

The Halibut Treaty of 1923 brought the constitutional question once more to the fore and it set in train a series of events that led to the passage of the Statute of Westminster in 1931, by which the Dominion of Canada assumed its place as a fully-fledged nation on the world stage. Well, almost.

In the late 1920s, when it became clear that the time had come to transfer to the Dominions the power over external relations that had been, up to then, retained by the British government, it was also suggested that it would be to the benefit of all concerned if the Dominions could assume control over the instruments of their existence. In the case of the Dominion of Canada this meant a method had to be worked out whereby Canadians could amend the British North America Act. An amending formula was needed, but this proved to be a thorny problem.

Up to 1927 amendments to the BNA Act were made by the British Parliament on the request of a joint address by the Canadian House of Commons and Senate, usually without consultation with the provinces. When the movement to "bring the Constitution home" began in the 1920s, however, it was agreed that the federal nature of the nation would have to be respected. The provinces must be involved.

Thus began the long struggle for an amending formula. At a Dominion-Provincial Constitutional Conference in 1927, a proposal that general amendments to the Constitution could be made by the House of Commons, the Senate and a majority of the provinces (no population requirement), failed to win the approval of all the provinces. So it was that when the Statute of Westminster came into force in 1931, Canada was still without an amending formula. The power to alter the British North America Act remained in the hands of a reluctant British Parliament.

In Canada the search for a formula went on. Agreement was nearly reached in 1936 with a formula that called for approval by the House of Commons, the Senate and six provinces having 55 per cent of the population (including Ontario or Quebec). Premier Maurice Duplessis of Quebec rejected the proposal at the last minute.

During the war years constitutional matters receded into the background and as the 1950s approached Canada still looked to Westminster for constitutional action. An attempt to cut the knot in 1950 came to nothing when no agreement could be reached on an amending formula.

Agreement was near again in 1964 with the Fulton-Favreau Formula that called for an amending device involving the House of Commons, the Senate and seven provinces comprising at least 50 per cent of the population. With a settlement in sight, Quebec felt its interests were threatened and withdrew its approval.

At Victoria in 1971 they broke out the champagne and cigars. The Victoria charter called for approval by the House of Commons, the Senate and a majority of provinces comprising: "every province which has or had 25 per cent of the nation's population, at least two provinces from both Atlantic and Western Canada (making up at least 50 per cent of the population for the latter)". Unfortunately the deal came apart due to objections in Quebec.

In 1980, after the defeat of the Sovereignty Association referendum in Quebec, Prime Minister Pierre Trudeau decided that the time was ripe to try again. The federal government and the provinces argued for months over the division of powers and the entrenchment of a Canadian Charter of Rights and Freedoms. Late in 1980, unable to settle with the provinces, Trudeau announced that the federal government would make a unilateral request to the British Parliament to patriate the Constitution. At a federal-provincial meeting in November 1981 an overnight compromise was reached that was agreeable to all parties but Quebec. The package included an amending formula that required "resolutions of the Senate and House of Commons" and "resolutions of the legislative assemblies of at least two-thirds of the provinces that have, in the aggregate, according to the then latest general census, at least fifty per cent of the population of all the provinces." The decision was made to proceed without Quebec's approval.

The Constitution Act, 1982, was proclaimed on 17 April of that year. The BNA Act thus "came home". The Constitution Act was later described by Eugene Forsey, an expert in such matters, as "the old Constitution with knobs on". Whatever it was, Quebec felt rejected.

In 1987 a new Quebec Liberal government, after meetings at Meech Lake and Ottawa, indicated an interest in accepting the Constitution of 1982, under certain conditions.

The so-called "Meech Lake Accord" involved five "modest demands" from Quebec, the most controversial of which proved to be the demand that Quebec be recognized as a "distinct society". Other items involved powers for Quebec in immigration, the selection of Supreme Court judges, limitations on federal spending power and a Quebec veto over constitutional amendments. These proposals, with a number of changes to accommodate the views of other provinces as well as a general extension of the veto, formed the basis of the accord. Ratification of the accord by all provinces was required three years to the day after the first province had ratified. When this requirement was not achieved by midnight, 23 June 1990, the Meech Lake Accord expired.

Quebec subsequently indicated that it would participate in no further constitutional discussions with the other provinces but deal directly with the federal government. And there the matter rests.

Speaking to the nation after the 1982 patriation, Pierre Trudeau expressed the hope of many: "It is true that our will to live together has sometimes appeared to be in deep hibernation; but it is there nevertheless, living and tenacious, in the hearts of Canadians of every province and territory. I simply wish that the bringing home of our Constitution marks the end of a long winter, the breaking up of the ice jams and the beginning of a new spring."

Spring is longer in coming than we had hoped. Now, in the winter of our discontent, the nation dreams again of that elusive springtime.

Curtain Time In Canada

British Stars on Tour

By MARY SHORTT

Canada's legendary esteem for British actors was rooted not only in imperial solidarity, but in the faith that their "refined" accents and cultivated manners would prove an antidote to what a certain type of Canadian regarded as American "vulgarity".

At the beginning of the nineteenth century almost all the professional actors in America were Britons who had emigrated in the hope of winning more important roles than they could obtain in competition with superior talent at home. By the 1830s, however, many native-born Americans were being attracted to the stage, and formed a growing proportion of the "strolling players" who yearly visited accessible Canadian towns.

In 1847 Kingston's *British Whig*, which had earlier commented that much coarser humour was required to satisfy American audiences than those in Canada, praised a summer stock company whose members all spoke recognizable English, "no ordinary recommendation in Canada, which is often inundated with American performers who will not give themselves the trouble to speak correctly." This discriminating approach was echoed in 1855 by Toronto's *Patriot*, which criticized for his "nasty, Yankee slang manner of speech" an American stock actor who had rashly attempted the role of an English baronet.

Montreal and Quebec supporters of high British standards in the theatre had been rewarded in 1826 by a visit from the leading English actor of the day, Edmund Kean. In spite of his eminence on the stage, Kean arrived in Lower Canada virtually a refugee. His habits were notoriously dissolute, he was too often incapacitated by drink, and a scandalous affair with the wife of a city alderman had recently made London too hot to hold him. Fleeing to the States, he discovered that Americans had not forgotten his insulting behaviour to a Boston audience on his last visit. Although he was forgiven in New York and Philadelphia, vengeful mobs ended his attempts to perform in Boston and Baltimore.

In July 1826, Kean arrived in Montreal where his reception was all he could have desired. The Montreal *Gazette* reported that for his first performance every part of the theatre was crowded to excess, and with great satisfaction said that the unanimous applause accorded him "reflects the highest honour on the taste, the good sense and the discernment of the audience, and we trust will be a salutary lesson to our fellow subjects on the other side of the Atlantic, how they ought to treat the first actor of the age . . . ."

Seven years after Kean's visit, Montreal and Quebec again welcomed a leading British star, Fanny Kemble.

She was accompanied by her father, the distinguished actor Charles Kemble, under whose management the Theatre Royal, Covent Garden, had sunk steadily deeper into debt until the debut of the enchanting Fanny had drawn crowds that for a few years kept it solvent. In 1832, however, Covent Garden was sold, and Charles and Fanny sailed for America to restore the family fortunes.

Fanny was a sensation in New York, Philadelphia, Boston and all the other American cities they visited. Montreal and Quebec had the good fortune to see her and her father in the summer of 1833, when the local manager, Kemble's brother-in-law, Vincent de Camp, presented them for a short season.

The delight with which audiences in Montreal and Quebec received the Kembles was not reciprocated. Fanny expressed her strong aversion to both cities in a letter written in 1839 to a London actor requesting information about the Canadas:

> Vincent de Camp had the theatres there, and of all the horrible strolling concerns I ever could imagine, his company and scenery and gettings up were the worst . . . . Our houses were good; but . . . either in Montreal or Quebec, the unspeakable dirt and discomfort of the inns, the misery of the accommodations, the scarcity of eatables, and the abundance of eaters (fleas, bugs, etc.) together with the wicked dislocating road from St. John's to La Prairie . . . would render an expedition to the Canadas anything but desirable. The heat, while we were in Montreal, was intolerable — the filth intolerable — the flies intolerable — the bugs intolerable. I lifted my hands in thankfulness when I set foot again in "these United States."

All things considered, it was not surprising that Montreal had to wait more than a decade for its next theatrical celebrity, William Charles Macready, the successor to Kean as Britain's leading tragedian. Two exhausting seasons in management at Drury Lane having proved unprofitable, Macready abandoned London in 1843, in hope, like the Kembles, of earning enough from an American tour to provide financial security for his family. In July 1844, he arrived in Montreal, where, after his opening performance in *Hamlet*, the *Gazette* reported that "our Theatre was crowded almost to suffocation, with the most dense audience ever witnessed within its walls. Not one inch of standing nor of 'peeping' ground was left unoccupied. The boxes glittered with beauty and fashion, and the pit was a sea of human heads."

While disclaiming any competence to judge the performance of such a distinguished artist, the *Gazette*'s reviewer conceded that the effect it produced "left something to be desired", but blamed this on the want

National Portrait Gallery, London

Henry Irving: A warm "British" welcome.

of effective support, since "Mr. Macready's style, which is always somewhat of the harsh and monotonous, was seen to disadvantage for want of the due relief."

Toronto welcomed its first London star, James R. Anderson, in 1847. A leading actor at both Covent Garden and Drury Lane, admired for his "tall and commanding stature, aristocratic features and musical voice", Anderson had been impelled by the depressed state of British theatre to make an American tour. While in the States, he was persuaded by an old friend, George Skerrett, to spend a short time starring with a little company Skerrett had recruited for a summer season on Canadian stages.

In Toronto Anderson played at the Lyceum, a converted coach house too small to hold a profitable audience. Worse, Skerrett's company fell far below

Edmund Kean elaborately costumed and spurred to play Shakespeare's "Richard III".

Anderson's standards. On 1 July after a performance of *Othello,* his diary recorded, "This is a world of suffering. What misery I endured tonight with the actors. Oh, how bad all and everybody was, yet the play went off well. Hot hot weather."

Luckily, Montreal compensated for the inadequacies of Toronto. Skerrett's players were no longer strangers to Anderson and his repertoire, and an experienced English actress had been engaged to play leading roles opposite the star. On his opening night, when according to the *Gazette* Anderson drew "the most brilliant house of the season", he admitted to his diary that *Othello* was "very fairly acted". More important, business proved so good that his engagement was extended for an additional week, and on settling day he found himself richer by $1,250.00, "not bad for the month of August, with the temperature at 90 degrees".

Canadians on the West Coast had to wait longer for visits from famous actors than did those in the East. In late 1864, Victoria was thrilled by the arrival of Edmund Kean's son, Charles, and his wife, the beloved Ellen Tree. They were then well past their prime, but had undertaken a tour of Australia in quest of a fortune for their retirement. En route back to England via San Francisco, they played an engagement in Victoria, which Mrs. Kean described as "an odd looking little town, very primitive". On the positive side, Charles reported:

> It is precious cold, but the people are warm and are flattered beyond measure by our visit. Everybody of note has called and on Saturday we dined with the Governor . . . . The receipts of our first night were $1,070 . . . . and last night $800. Tonight we shall have $1,000 . . . . It is such a relief to get away from those dreadful snuffling, spitting, chewing Yankees, with their boasting impudence.

Canadian bias in favour of British players was richly rewarded when the celebrated Adelaide Neilson appeared at Toronto's recently-opened Grand Opera House in November 1874. Miss Neilson, whose dark eyes, expressive face and musical voice were greatly admired, had already established herself in Britain as the supreme Juliet of her time, and won extraordinary success on her first American tour.

Montreal and Toronto yielded joyously to the actress's potent charm, and by 1880, when she made her farewell American tour, both cities were in the grip of acute Neilsonmania. The critic for Montreal's *Gazette* affirmed that she remained the Juliet of the age and doubted that "any other generation of playgoers will ever witness such consummate skill or hear from other lips such exquisite pathos and passion".

To the consternation of Neilson admirers in Toronto, their Grand Opera House burned down in December 1879, less than two months before her scheduled visit. Determined not to be deprived of this great event, the Grand's owner, with almost superhuman enterprise, had the theatre rebuilt in time for Miss Neilson to open it on 9 February 1880, with her acclaimed portrayal of Rosalind in *As You Like It*. Thunders of applause greeted her first appearance as she came on stage to read the dedicatory ode, and when the performance ended on the last night of her week in Toronto a great crowd waited at the stage door, reluctant to let her go. A couple of hundred university students, having unhitched the horses from her carriage, drew it themselves to her hotel.

By 1880, the old system of stock companies whose lamentable support had grieved the hearts and raised the ire of countless visiting stars, was rapidly being superseded by "combinations", dramatic troupes travelling with all their own sets and costumes and presenting a single play or small repertoire for which a full cast had been well rehearsed. This change coincided with a great burgeoning of theatres in the last decades of the century, as cities all over the continent

replaced cramped old buildings with fine new Opera Houses or Academies of Music.

First of the famous London actor-managers to profit by the improved stage facilities and greatly increased seating capacity on an American tour was Henry Irving then (in 1883) at the head of his profession. A New York booking agency routed this prize attraction to large American cities, with only three days allotted to Canada. The announcement of his engagement at Toronto's Grand Opera House in February 1884, created a sensation; reserved seats were sold immediately at prices running as high as $2.50, while private boxes were snapped up at auction by speculators.

Irving's overflow audiences were dazzled not only by his brilliant acting and co-star Ellen Terry's celebrated charm, but by the unprecedented excellence of his supporting company, and the gorgeous stage settings imported in their entirety from Irving's Lyceum Theatre in London. Their enthusiastic applause was redoubled on his last night, when he responded to the universal demand for a speech:

> If I were to talk forever I could not sufficiently thank you for the right royal Canadian welcome you have given us. I might say British welcome. I have two regrets. One is that my stay among you has been necessarily so short . . . . My other regret is that our engagements prevent us from seeing more of your great Dominion.

Charles Kemble, a drawing by R.J. Lane which was once in the collection of the actress Sarah Siddons.

Mr. and Mrs. Charles Kean as Benedick and Beatrice in "Much Ado About Nothing", coloured by hand.

Guy Little Collection

Irving returned to Canada on five further occasions, initially at the end of 1884, when he included Quebec, Montreal, London and Hamilton on his itinerary.

The bonanza Irving struck in America attracted a number of other London actor-managers, some of whom appeared in Canada, thereby reinforcing the bonds of Empire as well as helping to pay their bills for extravagant new productions at home. In October 1903, Johnston Forbes-Robertson, supported by a strong London cast, first enthralled Toronto playgoers in *The Light that Failed*, Rudyard Kipling's touching story of a painter who loses his sight. At that time, in the opinion of Samuel Morgan-Powell, drama critic of the Montreal *Star*, he was the outstanding figure on the English stage, distinguished by "his slender, graceful romantic physique, his wonderfully musical voice, his beauty of feature, his irresistible charm of manner."

Forbes-Robertson travelled much more widely than Irving, playing in Victoria, Vancouver, Calgary, Edmonton and Winnipeg on his return eastward from several tours across the States.

Although considered by many to be the greatest Hamlet of his time, Forbes-Robertson scored his chief popular success with *The Passing of the Third Floor Back*. As the "Stranger" who moves into a shabby

lodging-house where all the residents are leading miserable lives, he awakens each in turn to a better self.

By 1914 Canadians in the larger cities had been visited by many famous London stars besides Irving, Ellen Terry and Forbes-Robertson. Mr. and Mrs. Kendal, E.S. Willard, Wilson Barrett, Mrs. Patrick Campbell, Charles Wyndham and his wife Mary Moore, Lewis Waller and Cyril Maude were among the most distinguished visitors to play here. *Saturday Night* eulogized them in terms that explain their special appeal to Canadians:

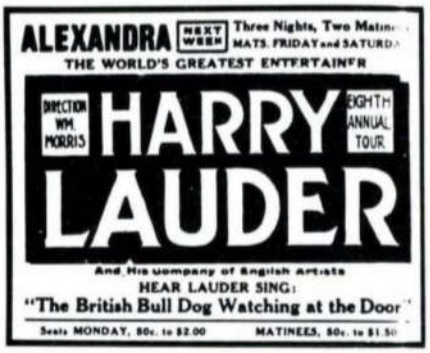
> These English companies with their English plays have an indescribable something almost always missing from the brash and banal people who come to us from the . . . United States. The English actors bring with them an atmosphere — the fragrance of old world refinement and courtliness. They seem to be masters of their art in the most quiet, unassuming and least obtrusive sort of way.

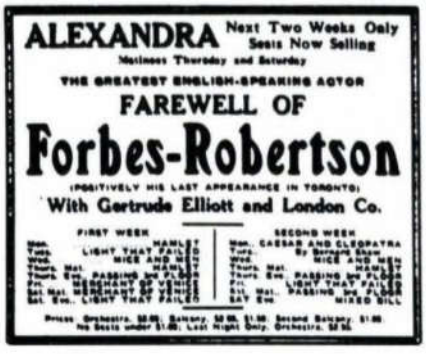
The fact that the London theatre had been having financial problems for some time prior to World War I was a powerful argument for seeking new audiences across the Atlantic. Commercial motives were reinforced by the loftier ideal of patriotism. It was becoming increasingly evident that Britain was no longer the undisputed world leader and that colonies now grown to maturity should be cultivated as valued allies.

In its accustomed attitude of benign neglect, Britain had ignored the danger of American alienation of Canadian affections, to no small degree by the take-over of Canada's stages. A new awareness of this threat inspired a move by three Britons, Carl Leyel, Francis Pryor, and William Holles, to strengthen bonds between the Dominion and the Mother Country by actively encouraging more British companies to tour widely in Canada. In 1913, the British-Canadian Theatre Organization Society was set up to sponsor Canadian visits by British companies entirely free of American control, and covering not just the handful of large cities that would be most lucrative, but a great many small centres in between.

Maclean's, which applauded the Society's aims, stressed the importance of saving young Canadians from harmful American influences:

> For the greater part of the year, Canadian theatre is at the mercy of the American playwright and American actor — it is not to be wondered at that many a young Canadian models his conduct, man-





Johnston Forbes-Robertson broods as Shakespeare's "Hamlet".

ners and ideas upon the American pattern. Occasionally the sentiments of an American play are violently anti-British — the menace to Imperial progress real and urgent.

A talented English actor, John Martin Harvey, was chosen to spearhead the Society's crusade. It would not be his first experience as a manager in Canada. He had been relegated to this country in 1903 by the American booking agency that brought him to the States after he failed to draw the anticipated crowds in New York.

In Toronto, Hamilton and a few other Canadian cities he won immediate popular success in *The Only Way*, a romantic drama adapted for him from Dickens' novel *A Tale of Two Cities*. His portrayal of Sidney Carton's magnificent sacrifice in taking the place of his beloved Lucie's husband at the guillotine was intensely moving, and over the next decades was to provide a memorable theatrical experience for thousands of Canadians.

At the beginning of 1914, Harvey arrived in Canada for the first coast-to-coast tour under the auspices of the British-Canadian Theatre Organization Society. It was a demanding exercise. Primitive stages and dressing-room facilities in many small theatres, and long distances to be covered between engagements presented unforeseen hardships.

Not the least of the actors' trials was the constant demand on their free time, since Canadians of the period had an insatiable appetite for speeches from visiting celebrities. In large and small centres Harvey was called on to address Canadian, Empire, Rotary, Kiwanis, Lions, Press and other clubs, bringing to all his message that the drama could "knot more closely those bonds which hold the Empire together".

Henry Irving's younger son, Laurence, was the second actor-manager chosen to knot imperial bonds. Disingenuously advertised as "England's Greatest Actor", this minor Irving found North American audiences unenthusiastic about *Typhoon*, the first play in which he had scored an unmistakable London success. *Saturday Night*'s reviewer, noting that it was intended to be "a soul-thrilling spectacle of Japanese heroism and self-sacrifice," unkindly opined that "as the hero, Laurence Irving is about one part Japanese and nine parts Anglican curate".

Besides replacing the popularity of cheap American shows with a cultivated preference for refined British drama, the BCTOS hoped to open up a potentially rich new market for British companies after they had exhausted the audience for their major productions at home. Should the Canadian venture prove successful, it would be only the first step in establishing global tours through all the leading dominions.

National Portrait Gallery, London

Dame Ellen Terry painted in youth by her first husband, G.F. Watts.

This bold and splendid vision was short-lived. When war broke out in August 1914, all young and able-bodied male entertainers were combed out of the companies on which the scheme depended, leaving them bereft of almost a whole generation of fresh talents. Even those mature managers who in any case would continue to play romantic leads in their own productions were powerfully discouraged by the submarine threat from considering expeditions across the Atlantic.

When peace returned, Canadians themselves undertook to rescue their theatre from American domination when a group of leading Montreal businessmen set up a new company, Trans-Canada Theatres Ltd., in 1919. Its first goal was to break the monopoly of the Theatrical Syndicate, a booking agency in New York, which was notorious for barring independent stars from all the theatres under contract to its own attractions.

In order to ensure access to Canadian stages for British companies that by-passed the Syndicate, Trans-Canada acquired control of a chain of theatres from Halifax to Victoria, either by outright purchase or by taking over booking rights. Included in the chain were the many properties of Ambrose J. Small, the Toronto theatre tycoon, who disappeared forever the very day that Trans-Canada delivered to him a cheque for $1 million as down payment.

Ambrose Small's Toronto Opera House, 1896. Small vanished without trace on the day he sold his theatre holdings to Trans-Canada Theatres.

Trans-Canada survived the ill-fated Small by less than four years. Like the BCTOS, it was the victim of bad timing. Just when its directors were spending millions to circumvent the Theatrical Syndicate, the Syndicate partners, Klaw and Erlanger, were in the process of breaking up. And like that hated pair, theatre business as a whole encountered serious reverses during 1920 and 1921.

Post-war labour unrest erupted in militant demands for higher pay and improved working conditions by actors, hotly opposed by managers in both Britain and the States. The unionization of musicians, stage hands and even bill posters also led to far higher operating costs. Better pay for railroad workers dealt touring companies a blow by necessitating sharp increases in passenger and freight rates. Meanwhile, theatre revenues fell as the widespread economic depression drove many entertainment seekers to the cheaper movie houses.

Ill-natured reports from some performers tended to cool British enthusiasm for Canadian tours. One disgruntled manager declared: "Canada is not in favour of good shows, especially in the West, where the taste runs to leg shows and motion pictures . . . . Conditions of the hotels and restaurants are terrible and the theatres are filthy and uninhabitable."

In spite of a certain amount of negative comment, Trans-Canada enjoyed some heartening success in its first year. *The Maid of the Mountains*, a wartime London musical, opened a national tour in Halifax in September 1920 and made $117,800.00 in its first five weeks.

Trans-Canada began 1921 optimistically. Its Montreal-based manager, George Driscoll, predicted in March that the company's program of bringing English stars and productions across the Atlantic would be expanded to the point where Montreal would rival New York as a hub of theatrical action.

One engagement made by the enterprising Driscoll proved a political embarrassment. Albert de Courville, producer of a long series of London revues including *Hullo, Ragtime!* and *Hullo, Tango!* was booked to exercise his talents on a Canadian revue. In his company of seventy artists imported to present *Hullo, Canada!* the non-union musical director was unacceptable to the Canadian musicians' union, a branch

of the American Federation of Musicians, based in New York.

The high-handed de Courville demanded that Canada's prime minister, Arthur Meighen, over-rule the union decision, declaring that it would be a terrible indictment of the Conservative Government (soon to a face a general election) if it allowed an alien country to tell a Dominion of Greater Britain that a British subject could not play there. The crisis was defused by the union's decision to allow de Courville's man to play, but his tactless display of a fist across the sea was not conducive to the imperial harmony Trans-Canada aimed to promote.

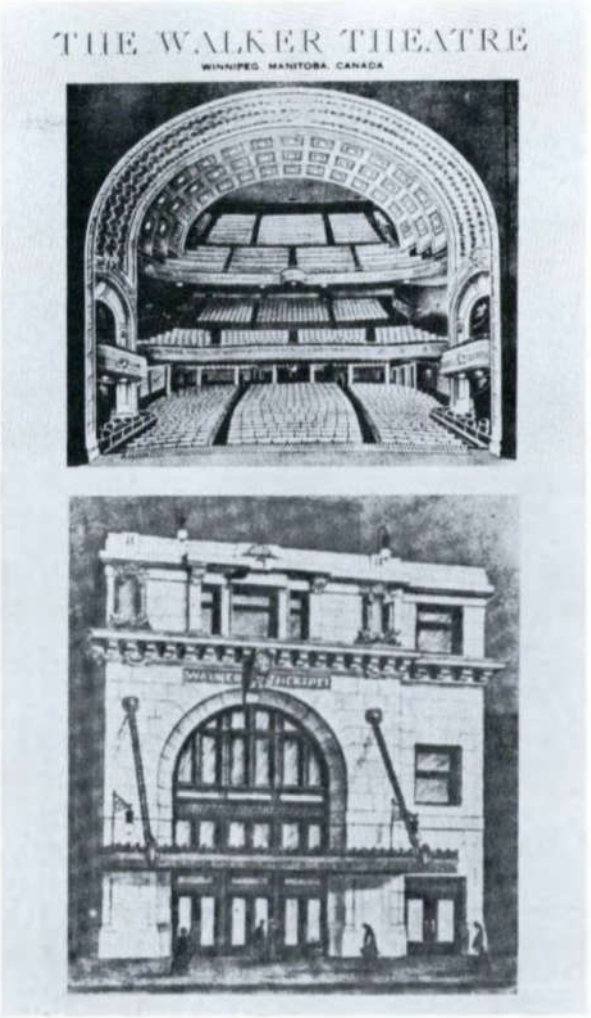
Neither the uninspired *Hullo, Canada!* nor the dull and dated plays presented by a London star, Marie Lohr, could be transformed into Canadian box office successes solely by British patriotism, and Trans-Canada Theatres ended the 1921-22 season with a large deficit. Faced with steadily increasing losses, the directors wound up the company in July 1923.

By 1925-26 British companies seeking to supplement shrinking box office receipts at home were returning to Canada independently. Sir John Martin-Harvey, (knighted in 1921), was back that season with *The Only Way*, and other old-style costume pieces, while Cyril Maude, on the verge of retirement, turned up with a sophisticated modern comedy.

A visit from Montreal-born Matheson Lang, the handsome and imposing hero of many London successes, was the highlight of 1926-27. His performance as Yuang-Sing in *The Chinese Bungalow* was proudly hailed in Toronto as "one of the greatest modern stage revelations of a man of infinite power". Hard on the heels of this triumph came the D'Oyly Carte company with *The Mikado* and *The Gondoliers*. "And now let Broadway keep its bedroom farces and salacious revues," wrote one Toronto critic, defiantly, "The whimsical wit and happy harmonies of Gilbert and Sullivan satisfy all the requirements of the average decent-minded man."

Only the largest cities, Montreal and Toronto, were favoured with the sight of such sophisticated shows as the sparkling *Charlot's Revue* from London, but a mass audience, especially in Western Canada, was reached by the all-English vaudeville bills booked by the Pantages chain. A Toronto review of one of these confirmed that "every single act was decidedly English, with the freshness and gentility one cannot fail to notice in the English actors."

In 1928 the great era of British theatre in Canada entered its golden sunset. Two leading London actors, Seymour Hicks with his wife and co-star Ellaline Terriss, arrived in Halifax in January to begin a five-month tour of which, according to the enthusiastic Miss Terriss, "no hour was not a delight!" Her recollections testify that Canadian hearts beat as loyally in 1928 as they had a century earlier. In Toronto, where the company was greeted with a packed house at every performance, she heard on all sides the demand for British productions:



C.P. Walker's great theatre in Winnipeg, a major stopping place on the "road".

> The people of this great metropolis feel that there can be no greater link of Empire than the continual arrival of British artists to show young Canada not only our modern plays, but also the English classics. At the present time the entertainment which Canada is offered in the theatre is as a rule only that which second-class American attractions provide.

At the beginining of the 1928-29 season, Toronto's Royal Alexandra management advertised that it was booking several Old Country stars and attractions, since Toronto had demonstrated "a desire for the finer and better things of the English stage, with cleanliness, refinement and the absence of obnoxious features."

Mander and Mitchenson Collection

British musical stars Seymour Hicks and Ellaline Terriss in "Captain Kidd", London 1910.
"No hour was not a delight," said Miss Terriss of their Canadian visit.

First of the better and finer stars to appear was the London music hall comedian, George Robey, popularly known as the Prime Minister of Mirth. Like Miss Terriss, he was overwhelmed by the evidence of Canadians' attachment to the Mother Country:

> The old flag was everywhere, and at the slightest opportunity out came the loyalty of the Canadians to the homeland and its institutions, and above all to the King. We Britons in the old country are a loyal people . . . . Speaking frankly, however, in Canada I almost felt that even in old England we don't know what loyalty is! To hear a Canadian audience sing "God Save the King" and follow it up with three cheers is an experience to make any Briton's heart beat faster.

The season triumphantly launched by Robey gave Canadian audiences a feast of British culture. The glories of Shakespeare were revived by the Stratford-upon-Avon Festival Company, and in musical theatre, a D'Oyly Carte tour brought joy to thousands of Gilbert and Sullivan devotees.

Bernard Shaw, once reviled for mischievously attacking British customs and attitudes, was presented as an exemplar of the national character by Maurice Colbourne, whose London company toured Canada with a Shavian repertoire. According to Colbourne, Shaw's plays contained the two most inherently British qualities: a sense of fair play and a sense of humour.

On Broadway, the 1928-29 season was disastrous. This major theatrical slump, preceding the stock market crash of October 1929, profoundly discouraged new plans for North American tours. Canadian audiences eager for British entertainment consequently found that their choices in 1929-30 were limited mainly to familiar attractions: more farewell tours by Martin-Harvey and Harry Lauder, Maurice Colbourne with another clutch of gems from Shaw, and the Stratford-upon-Avon repertoire.

A welcome change was provided by Philip Rodway's pantomimes, *Humpty Dumpty* and *Mother Goose* which toured Canada for six months beginning in August 1929. Announcing his projected tour, the British press had acclaimed Rodway's extension of loyal hands across the sea:

> In his journey across Canada, he will be forging links between the Mother Country and the Dominion every mile of the way. Every night in modern city or backwoods village, he will be arousing memories. To modern, go-ahead Canada, inevitably affected by American influences, he will bring a touch of the Mother Country, and the contact can do Canada and her relations with ourselves nothing but good.

The power of pantomimes ("so typically English") to awaken old loyalties was poignantly demonstrated in letters from many homesick British immigrants to members of Rodway's company. A little boy in Clov-

Stratford Festival

By the 1950s Canadians were making their own theatre. Here Canadian stars Pat Galloway and William Hutt shine in a moment from the Stratford Festival's 1969 production of Moliere's "Tartuffe".

erdale B.C., wrote artlessly that the panto would "show us the way they do things in the 'Old Country' — which we think is the best country in the world."

By 1936, commercial theatre in Canada was reduced to what remained of the American road: a handful of Broadway comedies, the occasional revue, a few musicals such as the increasingly threadbare *Blossom Time*, and dramas whose main attraction was the performance of Nazimova, Jane Cowl, or other long-established stars who refused to admit that the golden age of touring was over.

Even this attenuated roster was available only to the last surviving legitimate theatres in the largest Canadian cities. With the disappearance of American road companies from the formerly-thriving Western region, Winnipeg's famous Walker Theatre, deprived of Martin-Harvey and other London actors, collapsed, and in 1936 was seized by the city for arrears of taxes, later becoming a movie house. His Majesty's in Montreal and the Royal Alexandra in Toronto, lacking British companies to plug the expanding gaps between Broadway attractions, simply went dark or resorted to films at what in happier days had been the height of the theatre season.

No longer inspired to ecstasy by refined and witty British companies or aroused to displays of spleen by vulgar American shows, Canadian playgoers drifted into the patriotic horse latitudes of theatrical art. ◆

Mary Shortt is a theatre historian who lives in Toronto. An earlier article in the December 1988/January 1989 issue of "The Beaver" described a struggle between church and stage in pioneer Canada.

Halifax to Port Alberni By Automobile — Or Bust

In the spring of 1912, the Reo Motor Car Company of Canada gave its top mechanic a chance for fame and adventure. They asked Jack Haney, then 23, to be the first man to drive an automobile across Canada.

Jack was a quiet, confident man who enjoyed challenges and believed in hard work. He was not the type to say "no" to his employers, and he was a bit naive. Had he known what was in store for him, he might never have left his St. Catharines boarding house to embark on what he thought would be the trip of a lifetime.

Few, including the car company officials, guessed what adventures lay in store for Jack. The plan was for Jack to head west from Halifax, cross the St. Lawrence at Quebec City and pass through Montreal, Ottawa, North Bay, Sault Ste. Marie and on to Winnipeg. The prairies were flat so they would make a beeline for the Crowsnest Pass and – to the Pacific. It sounded simple.

The company told Jack he would accompany a British author who could solve any problems that arose. Thomas W. Wilby had just completed the first circular tour of the United States by motor car. He had gone from New York to San Francisco on the Pioneer Highway, travelled south to Mexico, and then returned east, passing through Sante Fe, Dodge City and St. Louis on the Old Trails Highway and on to Washington, where he visited President William Howard Taft.

The gentleman's stories, Jack reckoned, could entertain him the whole trip. He wanted to ask about all the different cars Mr. Wilby had driven. He told his girlfriend Annie Swan, who lived at the same boarding house, that it would be an honour to meet the man.

Wilby had proposed to Reo that they find an "All Red Route" or "Trans-Canada Highway", a popular idea after railways linked the provinces. Reo cars had crossed the United States, but American roads were far better. There were few continuous roads in Canada. One drove on the left side of Maritime and British Columbian roads, and on the right side in the rest of the country. Paved roads were scarce and physical obstacles were large — Maritime swamps, the Canadian Shield, sticky prairie gumbo and the mountains.

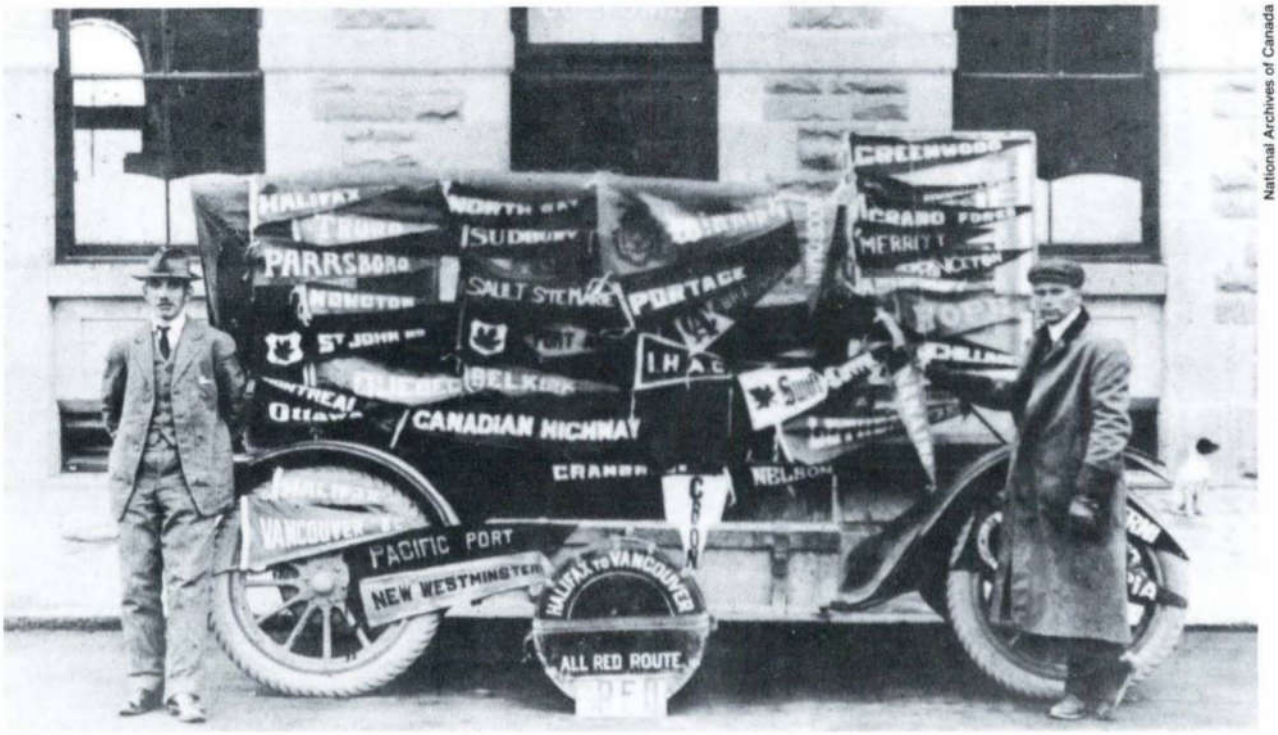
Reo agreed to pay all expenses and provide the car and their best mechanic as chauffeur. Before Jack could meet Wilby in Halifax to begin the trip, the Englishman had demanded another driver because Haney was an American. Reo insisted on Haney.

Jack was born Fonce Val Haney in Huntington, Indiana, in 1889. His mother died when he was two. As a child he travelled around the midwestern United States with his father Joseph, a cooper. The nomadic life was one of adventure, including summers spent with his Uncle Jack, a river rat who collected stray logs along the Mississippi River. Fonce began work in a garage in North Baltimore, Ohio, at 14, and started with the Reo Company in Lansing, Michigan, at age 16. He came to Canada in 1909 with a reputation as a man who could take a car apart and repair it as easily as he changed his socks. He did not drink or smoke, and his only addiction was chewing gum. His co-workers at St. Catharines called him "Jack".

A five-seater Reo Special Touring car, which everyone at the St. Catharines plant had worked on, accompanied Jack on 20 August 1912 on the Halifax-bound train. Worth $1,500, it featured a gearshift on the floor with a choice of reverse, low, intermediate and high. Its 15-gallon gas tank worked by gravity. Its laminated wood body had a convertible mohair roof with snap-on curtains for the sides, although the curtains did not prevent rain from blowing inside. The headlights used acetylene gas, and kerosene lamps, situated on each side of the windshield, acted as parking lights. The simple dash had a speedometer, with two odometers to record season and daily mileage.

The car had a crank-start, a trunk in the back seat for suitcases, and long boxes on the running boards for the block and tackle, shovel and axe. Haney stashed tools, spare motor parts, and oil, gas and water cans wherever he could, so that the car weighed 4,000 pounds when they were ready to go.

Jack met Wilby at the Halifax train station. The Englishman was a magazine writer who had started



National Archives of Canada

Above: Wilby and Haney, barely speaking at the end of their journey, pose beside the Reo. The car is festooned with pennants gathered during the cross-country odyssey.

On the pioneer road trip of 1912 Jack Haney did the driving, 'Captain' Wilby got the glory

By JOHN NICOL

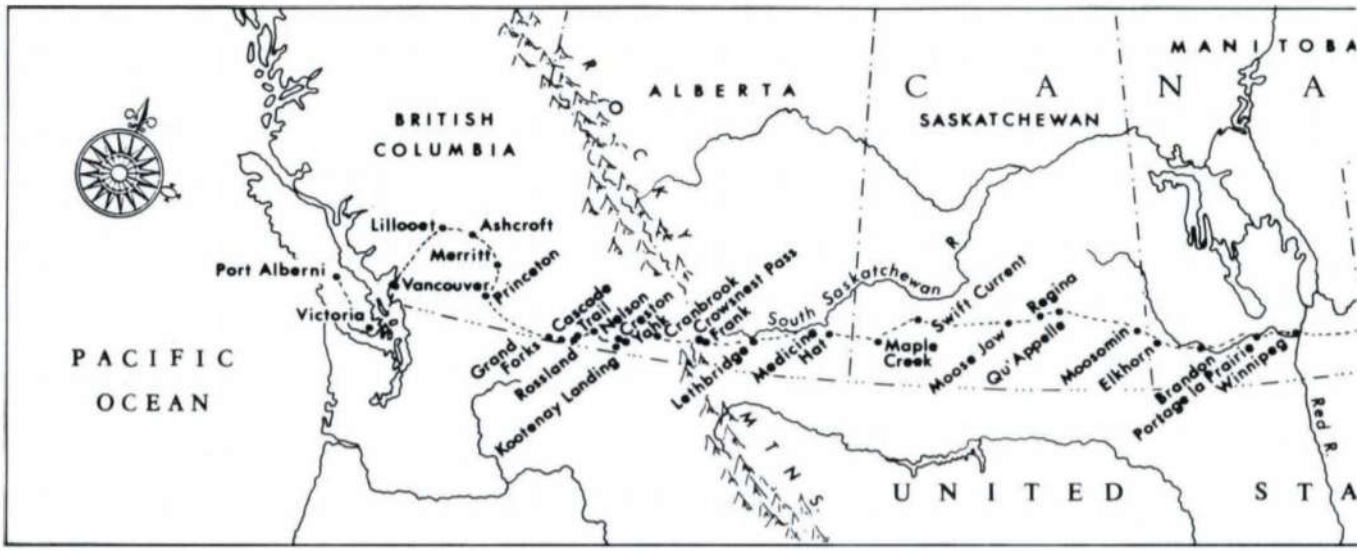
out as a newspaper reporter in his native Norwich. He had worked as a foreign correspondent in Paris, Berlin, Vienna and Cairo, and had just completed a novel, *On the Trail to Sunset*, based on his trip across the U.S. He was born in 1867, but he claimed to be only 42.

The world traveller came off the train in Halifax with just a shaving kit and a change of socks for his cross-country trip. "Jack phoned Reo and they told him to take him down to a store and outfit him," recalled Mrs. Haney, the former Miss Swan, in 1988. "Jack gave him two of his suitcases, which Wilby took with him at the end of the trip."

On 27 August Jack backed the wheels of the high-riding car into the Atlantic and Wilby scooped up a flask of ocean water destined for the Pacific. The 4 p.m. send-off attracted a few local dreamers and dignitaries. Wilby shouted "All aboard for Vancouver" and the shiny black Reo leapt forward amidst honking horns, a ring of cheers and a crackle of stones.

Wilby made sure the lines of labour were drawn early: he knew nothing about cars and manual work was beneath him. Haney realized, before they had travelled far from the Atlantic coast, that Canada's physical obstacles would be nothing compared to the mental strain he would face travelling with a man whose bent for bombast was exceeded only by his lust for the limelight.

"The Pathfinders", as they were soon called, drove from Halifax to Truro the first day, and on to Moncton the next. Nova Scotia had had its worst rainfall in years, so when Maritime mud sucked at his wheels, Haney depended on his ingenuity. He wrote in his diary that he tried to design a rig to pull the car out of mud



because he could not use a block and tackle on his own.

Haney's diary relates his mechanical problems, his desire to see his fiancée Annie, and his mounting problems with the "Captain". Wilby wrote a book on the trip, *A Motor Tour through Canada*, in which he reveals his condescending attitude and his florid literary style. Before driving north away from Cobequid Bay at Parrsborough, Wilby was inspired to write that "One's fingers twitched to daub a canvas with lapis lazuli waters, indigo hills, purple sand, green weirs, seaweed-tinted rocks, and the tawny red mud, shiny pink in the middle distance, and dull heliotrope in the offing."

Roads improved in New Brunswick. On 29 August they covered 230 kilometres from Moncton to Fredericton Junction. The next day they nearly ran out of gas on an upgrade 24 kilometres out of Grand Falls. "In order to feed the gas I blew into the tank and then plugged the vent hole with a piece of match," wrote Jack. He bought a camera that day in Woodstock. The camera nearly brought an end to the trip.

On the fifth day they reached Rivière-du-Loup at the St. Lawrence River, and followed good roads along its southern shore until St. André. On 1 September they drove 147 kilometres and crossed the river into Quebec City.

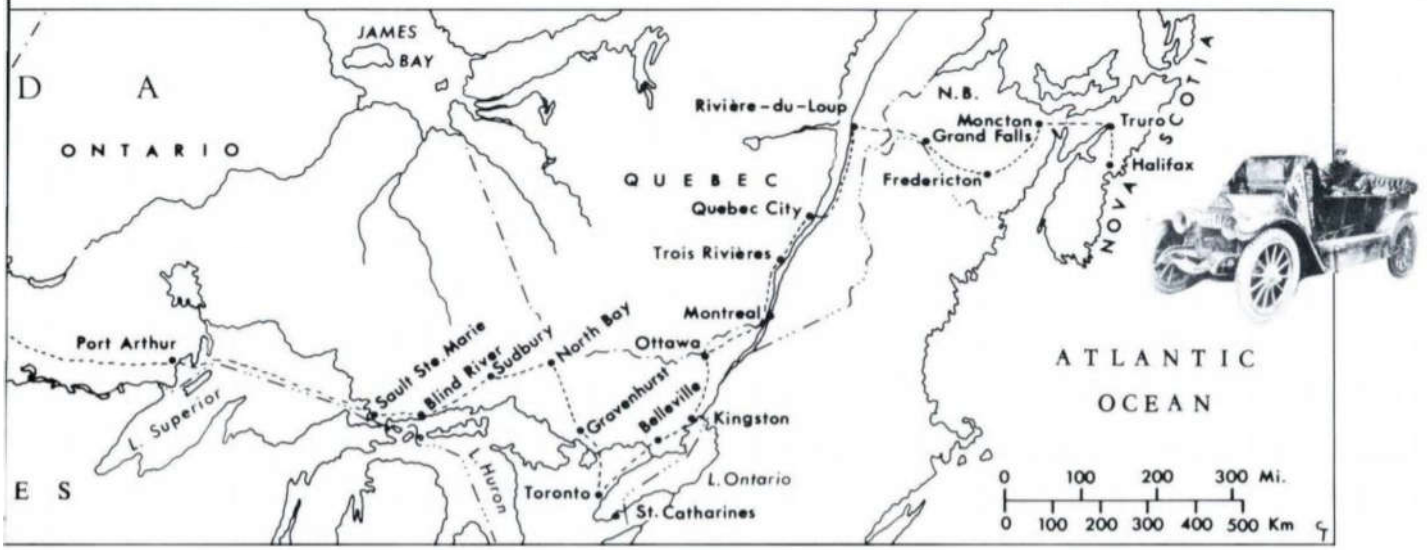
"Here we were undertaking the longest road tour ever attempted in Canada, and getting stuck on a busy, zig-zagging hill in Quebec," Wilby writes, "while all Gaul collected on the sidewalks. The situation was ludicrously humiliating. The delighted crowd did not scruple to point sarcastically to the inscription on the tire drum which flauntingly announced the Pacific as our destination. . . . Here we were undertaking the longest road tour ever attempted in Canada, and yet we were unable to climb a paved hill."

Wilby leaped out, he says, "to lighten the load," and quickly disappeared into a store. Without Wilby, Haney was able to climb the hill in reverse.

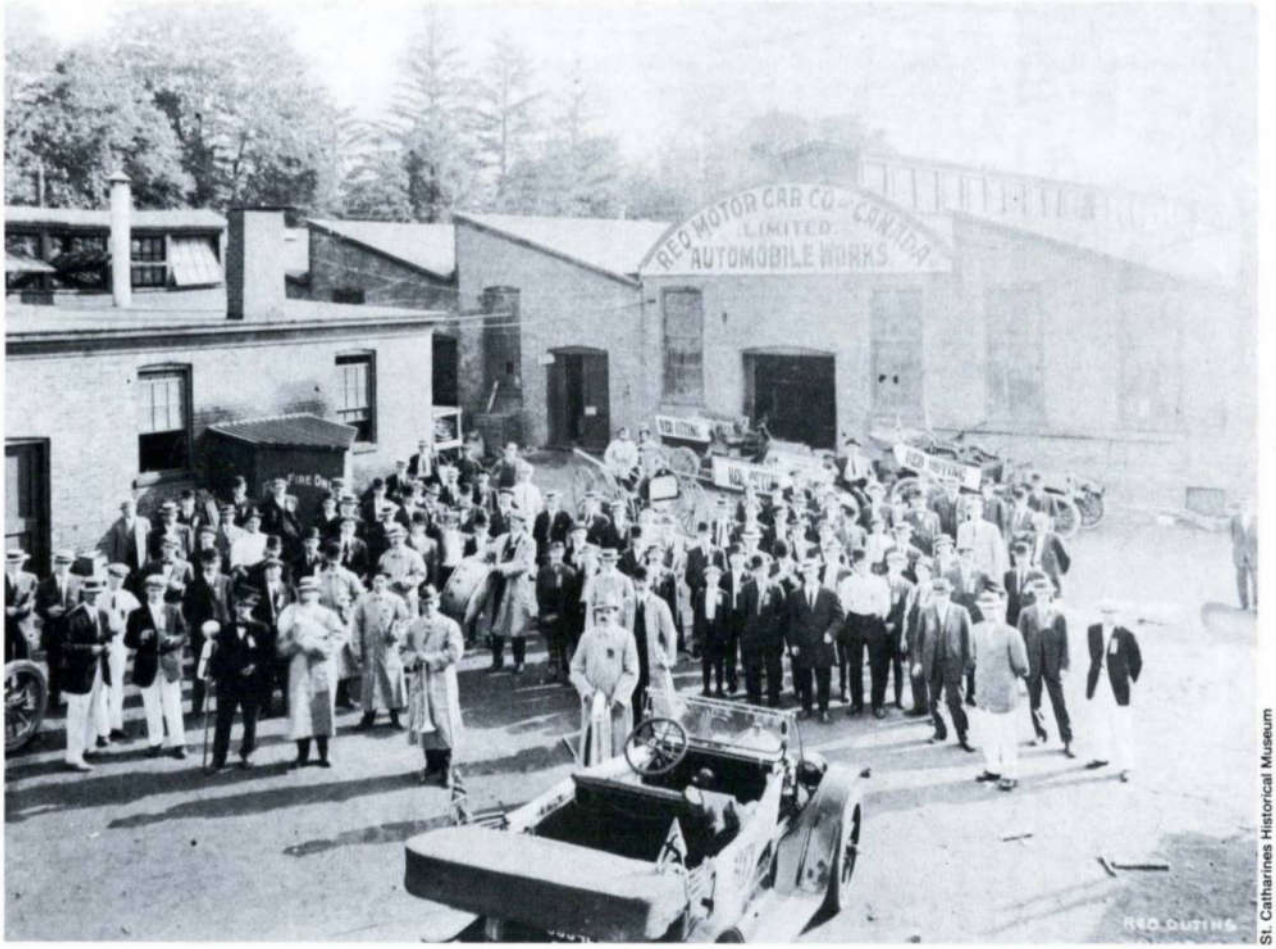
Jack spent much of his non-driving time going over bolts and nuts; greasing, changing the entire transmission (once); putting on shock absorbers and mud hooks, soldering and grinding valves and cleaning and replacing the clutch. In Quebec Haney managed to take a tour of the city with a local garage mechanic, while Wilby went sight-seeing on his own.

On 2 September they were escorted out of Quebec by the Labour Day parade and made it to Trois Rivières. They reached Montreal on the 3rd, where Jack felt Wilby was more concerned with getting his own name in print than he was in trying to publicize the car. "We spent about from 3 'til 6 o'clock getting our names up in papers and fussing around with the nabobs of Montreal," wrote Haney. By 4 September Haney was "heartily sick" of his companion and wrote that he would be "mighty glad when the trip is over. He is too damn selfish."

On the 4th they spent the night at the new $2 million Chateau Laurier Hotel in Ottawa. Wilby was disgusted that the lack of a direct road to North Bay forced them to make a horseshoe loop via Toronto. Rain plagued them again on the road to Kingston and Belleville. Haney wrote on the 5th: "The work is going to be hard after leaving Toronto, and not having a MAN with me, I don't know how I'll make it out."



Employees of the Reo Motor Car Company of Canada celebrate outside the St. Catharines works, July 1912, before Haney set off for Halifax.



St. Catharines Historical Museum

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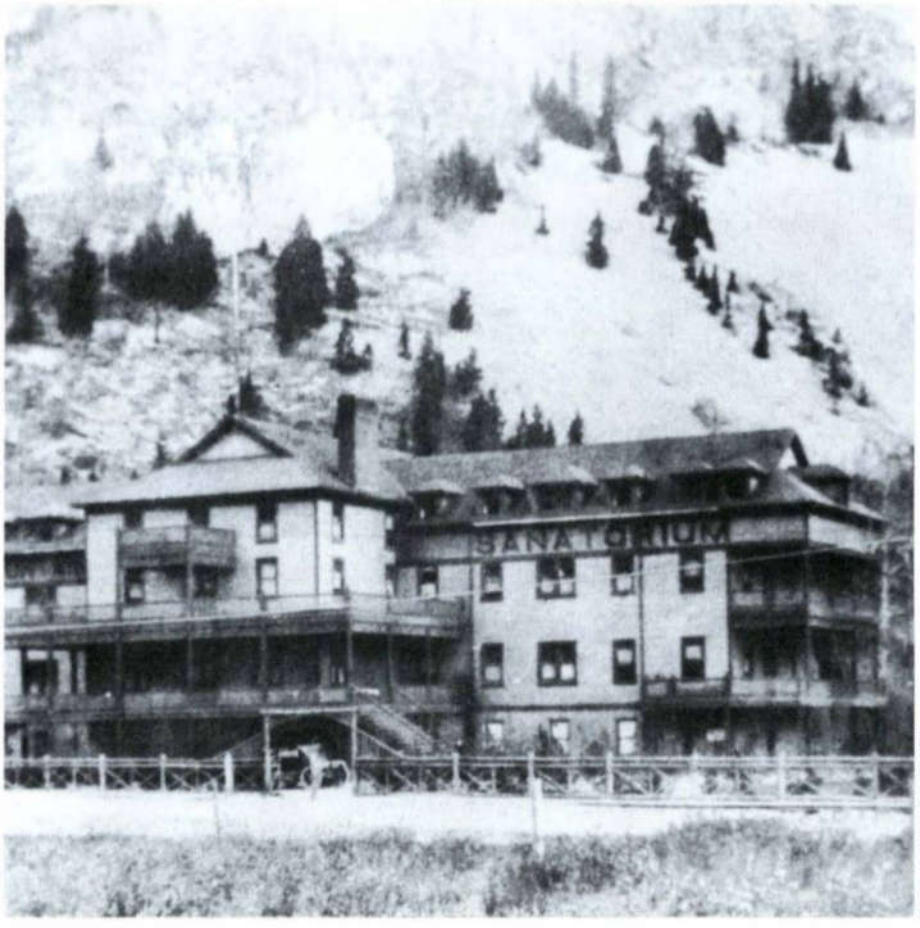
A ceremony at both ends of the journey involved the immersion of the Reo's wheels in the ocean and the mingling of waters from the Atlantic and Pacific.

Mountains tower above the Reo during a stop at Frank, Alberta, near the Crowsnest Pass.



St. Catharines Historical Museum

St. Catharines Historical Museum

The weary "Pathfinders" pose for the camera on a muddy Canadian highway near the end of their journey.

Wilby repeats the symbolic mingling of waters of the Atlantic and Pacific before a group of dignitaries at Port Alberni.

National Archives of Canada

Mrs. Haney later recalled that her husband was so disgusted he was ready to quit when he got to Toronto. Haney developed photos they had taken with each other's cameras and found all his shots spoiled. On top of everything else "Sir Thomas" had done, Haney thought Wilby had intentionally ruined his photos. "If Jack had been older, he said he would have been able to manage him better," Mrs. Haney recalled. "Nowadays the age difference wouldn't matter so much. We were always taught when we were kids to respect our elders".

Jack continued the trip out of duty to the company. On the 7th he returned to Toronto, a city of 376,000 with "glittering white skyscrapers," all of 10 storeys high. Haney worked on the car for more than a day and they made it from Toronto to Gravenhurst on the 8th. In tackling the sand hills of Scotia Junction the 30-horsepower Reo got stuck. A team of horses rescued the car but bent its drive shaft, delaying them two days while they waited for a new transmission. Problems with corduroy roads — tree trunks felled across swampy roads or inclines so that wagon wheels would not sink in the mud — sidelined them again, preventing them from reaching North Bay until the 12th.

The two adventurers had local pilots drive their own cars ahead to direct them along tricky paths and difficult roads, but there was no easy driving west of North Bay. They shipped the Reo by train to Sudbury, and drove to Massey. A tug took them 56 kilometres along the North Channel to Blind River, and they drove through Thessalon into Sault Ste. Marie by the 15th. The land north of Lake Superior proved formidable. They had promises of a road west via the U.S. — temptation number one — but opted for a freight steamship to Port Arthur and a train from the lakehead to Winnipeg.

The route to Winnipeg, which they reached on 20 September, was close to General Wolseley's march to quell Louis Riel's Red River Resistance 42 years before. Wilby often compared his road-seeking trip to the work of some of Canada's great explorers, like the French voyageurs.

From Winnipeg — Canada's third largest city with 136,000 people, wide boulevards and towering grain elevators — they went to Headingley, Portage la Prairie and Brandon. In Brandon on 25 September telegrams arrived to confirm that Wilby was in charge. Haney "came damn near bidding the Reo 'a trip to Hell' and I would get another job, but have concluded to stick it out till I got across or fired."

Because of gumbo, the rich agricultural soil which turns to sticky muck when wet, Manitoba roads were the worst in the country. Most of the good roads went north-south, including the trails blazed in earlier times by Indians and fur traders. Governments encouraged settlers to make links with the United States for trade and to attract more homesteaders. Thus, a road connected Winnipeg to the Gulf of Mexico, but the only east-west roads that existed were huge wagon ruts which stopped where land was not settled. They chose a route through Elkhorn, Moosomin and Qu'Appelle. They reached Regina on 27 September.

It was here that a mechanic named Earl Wise joined the trip. The Reo Company sent Wise to help get the car across the Rockies, and to be a buffer between the two men. He gave Jack an ally against "The Captain".

"They had fun with Wilby then," said Mrs. Haney. "One time in Saskatchewan they were stuck in the mud, and Wilby picked up a shovel. They were stuck in the mud many times before but he had never done a bit of work. Wise looked at Wilby and asked: 'Do you really mean you're going to work?' Wilby dropped the shovel and stormed off."

Their travels took them through Moose Jaw, Swift Current and into Alberta at Maple Creek by 1 October. With the Rockies growing on the horizon, they stopped by Medicine Hat, Lethbridge and Frank.

British Columbia posed the biggest problems. They punched through the Crowsnest Pass on 3 October to Cranbrook, but the next day brought more heavy going. The hardy Reo sank axle deep in mud, ploughed through underbrush, hung precariously on ledges and, with its brakes set, slid down mountainsides until the smell of burned rubber filled the car. Eventually they reached Ryan and a stretch of swamp at the southern boundary of Yahk. A road south to Idaho tempted them, as did the rails due west.

Without giving away their secret intentions, the men entered Yahk's only tavern and asked the trainmen when the next train was due. The answer was "no trains expected for the next few hours, unless a freight train decides to. . . ."

Around 10 p.m. the Reo crept onto the tracks at a level crossing. Had their acetylene headlights provided more light, Wilby would not have gone further. In daytime train engineers slowed down to a crawl through the sharp curves of the Yahk loop, one of the steepest railway grades in Canada. In some places the tracks sat 150 metres above gorges. Wilby wrote: ". . . every nerve was strained listening for a possible monster of steel and steam which might dash down upon us at any moment from around a curve or catch us in its swift career from behind. Muscles were tense, ready for the leap to a precarious safety at first sight of an approaching headlight."

The men survived the bumpy 22-kilometre ride, but two of the tires were ripped to shreds. They got off the tracks after midnight in Kitchener and headed along the steep Goat River Gorge trail. The block and tackle came in handy three times to pull the car out of muddy ditches, so it took almost three hours to cover the 18-kilometre trail to Creston.

At Kootenay Landing on the 5th they took a boat to Nelson, where they put the car on the train to Castlegar. They drove to Trail, Rossland, Patterson, Bossburg, and when no other route presented itself — they crossed into the United States. Unless they did long stretches along railway tracks, there was no alternative but to drive through the States on 7 October to Cascade and west to Grand Forks. The dream of the all-Canadian route was shattered, but they sacrificed that goal because of their determination to cross the mountains.

After passing through Phoenix, Fairview, Princeton, Merritt, Ashcroft and Lillooet, it was time for the heroics of Wise on 11 October. Along an old stretch of the Cariboo trail, Wilby wrote, Wise rode stretched out on the front mudguard after the headlights gave out on a dangerous 24-kilometre road to Lytton. "Ten miles on one's stomach, holding a light over a sheer drop of hundreds of feet, is a devilishly unpleasant role. Inch by inch we crept on. Moment by moment the poor fellow grew stiffer. A sudden jolt and it seemed as if we must throw him down the bank. A flicker of the light, and it seemed as if we all, car and passengers, were already over the brink. We were incessantly rounding a series of bluffs, twisting and turning in short, sharp curves that shut out the road ahead. Conversation languished. The unfortunate man progressing on his stomach gave vent to his emotions only in occasional grunts."

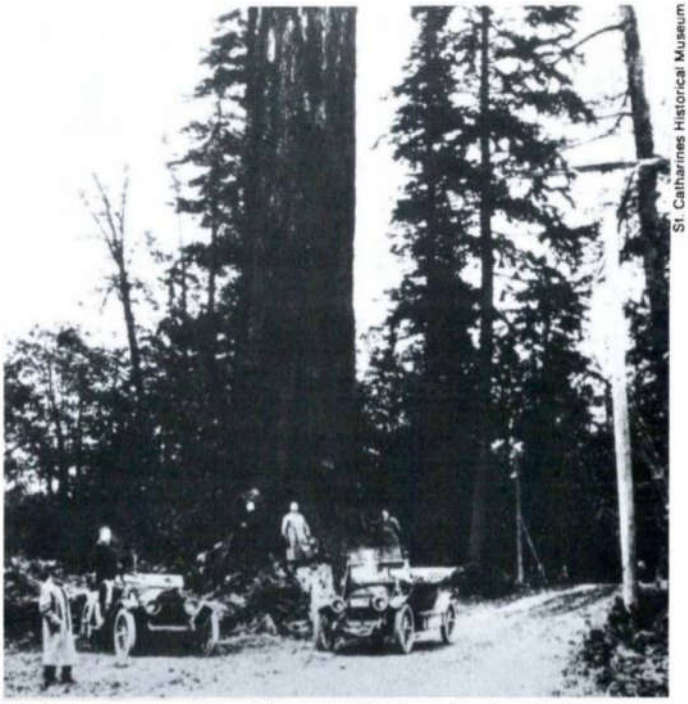
With mountains behind the pathfinders, British Columbia newspaper reports heralded their arrival. They reached Vancouver on the 14th, but the trip ended in Victoria on 17 October. To please well-wishers, Haney had to dip his front wheels into the Pacific in Vancouver, Victoria and — their furthest point west, — Port Alberni, so that Wilby could pour out the Atlantic water and half fill the flask with the Pacific. Wilby told yet another set of local politicians that they had the best roads in the country, to the chagrin of local auto club members who were pushing for paved highways.

In 52 days of challenges they had driven 6,720 kilometres, and covered a further 1,440 by boat and train.

"When Wilby left on the train in Vancouver," Mrs. Haney said, "he just waved goodbye . . . Jack didn't talk much about the trip when it was over. He tried to forget it."

Jack and Annie Haney had a daughter Ferne in 1915 and a son Lowell in 1918. Jack ran a garage in St. Catharines and helped found the local airport. In 1928, at his favourite getaway in the Muskokas, he had a heart attack dragging a deer out of the bush. After seven years of poor health, he died of a second heart attack in March 1935.

Thomas Wilby wrote *A Motor Tour through Canada* in 1913 and published another book *What is Christian Science?* in 1915. He did not become a member of the church, but he worked for the *Christian Science Monitor* from 1917-21. He later returned to England where he died in November 1923 at age 56.



St. Catharines Historical Museum

The Reo and a companion vehicle are dwarfed by a giant Douglas fir while crossing Vancouver Island to Port Alberni.

The 1912 Reo was taken on a promotional tour before being converted into a pickup truck.

Until recently the only recorded history of the trip was Wilby's book, which did not even mention Haney. Through the work of Bob Hicks and St. Catharines Historical Museum curator Arden Phair, the story of Haney's effort was published in a St. Catharines paper, *The Standard*. The Canadian Automobile Association has since issued a good driving award in Haney's name, and in 1988 presented his wife Annie with a plaque commemorating her husband's feat. This was shortly after her 97th birthday, and 53 years after Jack's death. Annie died in 1989.

John Nicol, a writer who lives at Niagara-on-the-Lake, Ontario, is the author of a book about Jack Haney to be published by Fitzhenry and Whiteside.

TROUBLE IN THE GOLD FIELDS

The Grouse Creek 'War'

By Tina Loo

"In our most important gold field the arm of justice hangs powerlessly by her side, while a company of men . . . are wantonly and openly trampling it underfoot and taking gold out of ground which the law has pronounced the property of others, at the rate of $1,600 a day!" thundered the New Westminster-based *British Columbian* in July 1867. The paper stormed on:

> It is simply a question of British Law vs Lynch Law. Governor Seymour is called upon this very instant to say which we shall have. If the latter, then we shall have no further need of his services or of the services of those under him. Judge Lynch will be his successor. The colonists look anxiously but confidently for an answer; and upon that answer hangs, to a great extent, the fate of the Colony — Law and order or mobbery and security for neither . . .

What was going on in British Columbia to precipitate such an outburst from the *Columbian*? Such a story would not be out of place in the gold fields of California, but in Britain's far western colony it was a new and frightening experience. The "Grouse Creek War", as the episode came to be known, revealed that the law and order British Columbians and their colonial administrators so prided themselves on was a more fragile and more complex relationship than they had supposed. The colony's colonial governors recognized the difficulties of enforcing the law with a handful of constables and an even smaller number of magistrates. But the physical constraints facing British Columbia's law men were only a secondary problem compared to the barrier posed by belief. Though upcountry miners shared a respect for the traditions of British law and were more than willing to use its institutions, they sometimes quibbled with its detail. They gained a reputation for being particularly litigious, and it was this very reputation that caused Philip Henry Nind, one of the Cariboo magistrates, to decline a promotion to the district's Small Debts Court. "The population in this district is fond of litigation and many are acquainted with the technicalities of the law," noted the Eton and Oxford educated Nind in 1862. "[They] would only be too ready to detect mistakes committed by an inexperienced County Court Judge."

As it turned out, Nind's fears were well-grounded. Away from the more settled and more strictly regulated districts of the new colony the miners retained a degree of independence and self-consciousness that resisted the intrusion of outsiders. This independence could sometimes cause problems for British Columbia's magistrates, who, though charged with enforcing order, recognized that the laws they upheld sometimes were at odds with the miners' notions of justice. John Boles Gaggin, the magistrate at Douglas, was certainly aware of the conflicting demands of law and justice when he was confronted in 1862 with a party of one hundred miners who had commandeered a steamer to take them out of the gold districts and away from their failed enterprise. Despite the obvious illegality of the miners' actions, Gaggin did nothing, advising the master of the *Henrietta* to "take the men on, and on arrival at New Westminster apply to the proper authorities for redress". Governor James Douglas was not pleased with his magistrate's lack of backbone, but Gaggin was not chastened. "Magistrates in these up country towns have a delicate game to play," he informed his superiors, "and I believe we are all of the opinion that to avoid provoking resistance to the law is the manner in which we best serve the interests of His Excellency."

The Grouse Creek War was an extreme example of what could happen when notions of what justice was conflicted. But to understand it fully we need to take a step or two backward and look at how miners' disputes were settled — something that had its origins in the founding of the colony itself.

On 20 April 1858 the steamer *Commodore* deposited "a specimen of the very worst of the population

British Columbia Archives

Colonial officials in the Cariboo at the time of the Grouse Creek War.

of San Francisco — the very dregs of society" in Victoria, capital of the colony of Vancouver Island. The people Governor James Douglas referred to were, of course, the gold miners headed for the banks of the Fraser River on the mainland to seek their fortunes. These first 400 from the *Commodore* were followed in the same year by an additional 25,000 — 10,000 of whom arrived in a six-week span in May and June. This flood of gold seekers prompted the formation of the mainland colony of British Columbia in August. The principal task of the new government, also headed by James Douglas, was to limit the potential for "the lawless misrule" and the violence that had characterized the 1849 California rush.

The independent "camps" that regulated mining activity and formed the basis for local government in California were not allowed to take root on the Fraser or, later, on the Cariboo creeks. Instead, within a year of the colony's founding the colonial government devised a system of locally-based mining courts headed by a government-appointed Assistant Gold Commissioner. Modelled on the Australian institution of the same name, these Mining Courts handled all disputes arising out of mining activity, regardless of their value. The Assistant Gold Commissioner had the power of a supreme court judge to enforce his decisions, which he reached without the aid of a jury. Despite the power of the commissioner, decisions could always be appealed to the Supreme Court, where Matthew Baillie Begbie, the colony's celebrated "hanging judge", would hear them.

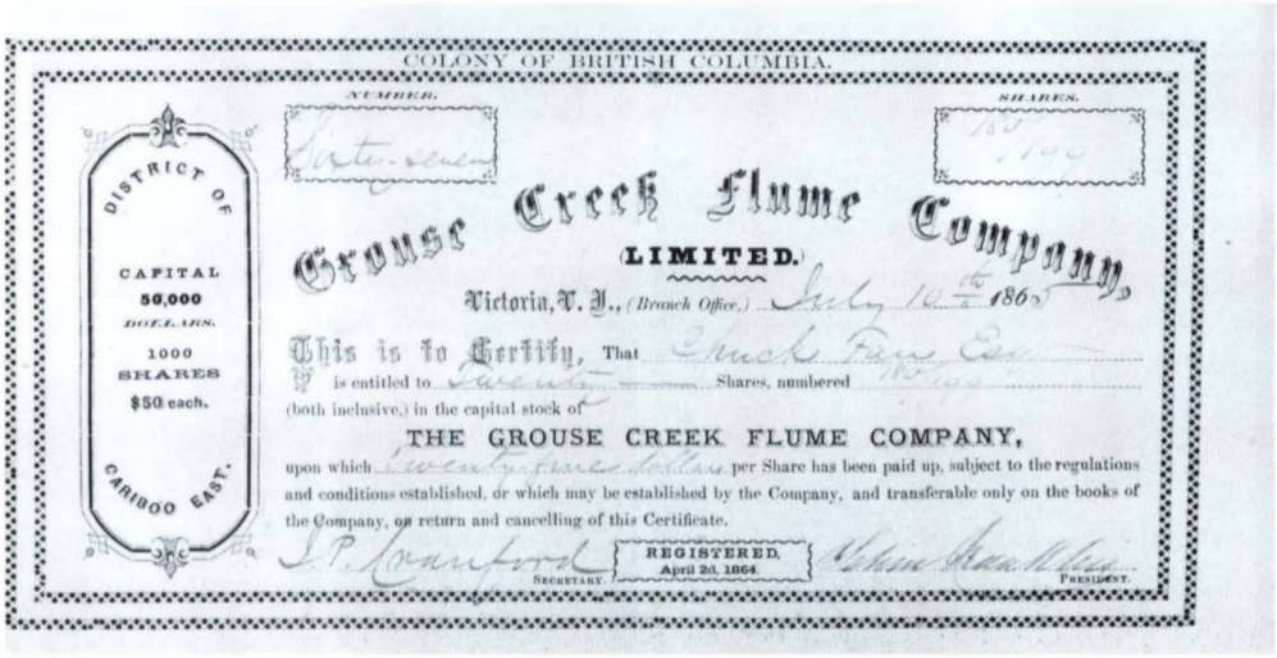
Problems, if they arose, usually came when decisions from the mining court were appealed. Certainly this was the case in the events leading up to the Grouse Creek War. The three cases that lay at the centre of the controversy over the colony's judicial administration and that led to "anarchy" and near riot on the creek were all disputes over mining claims. Though each was rather unremarkable in its detail, which involved the recording of claims, these cases of "ejectment" or, as they were more commonly known, "jumping" inspired the wrath and contempt of Cariboo miners. Gamblers might rob the miner of his stakes, rhymed Caribooite James Anderson in a letter to his friend "Sawney", but claim-jumpers were an animal of a different kind:

> But Sawney, there's anither clan,
> There's non o' them I'd ca' a man,
> They ca' them "jumpers" — my belief
> Is — "jumper" simply means a thief,
> They jump folks' claims, and jump their lots,
> They jump the very pans and pots;

But wait a wee — for a' this evil —
Their friend'll jump them,
He's the deevil!

Once these cases were appealed to the Supreme Court the issues of fact surrounding them almost became secondary to the actions of Judge Begbie. The Judge's decisions in *Borealis* v. *Watson*, *Aurora* v. *Davis*, and *The Grouse Creek Flume Company* v. *The Canadian Company* and the public reaction to them very nearly brought an end to the law and order Begbie so prided himself on creating, and they illustrate the very real limits of colonial authority on the mining frontier.

The first of these cases, launched in 1865, pitted


COLONY OF BRITISH COLUMBIA.

NUMBER.

SHARES.

DISTRICT OF

CAPITAL
50,000
DOLLARS.
1000
SHARES
$50 each.

CARIBOO EAST.

Grouse Creek Flume Company,
LIMITED.

Victoria, V. I., (Branch Office,) July 14th 1865

This is to Certify, That Truck Farm Co

is entitled to Seventy Shares, numbered

(both inclusive,) in the capital stock of

THE GROUSE CREEK FLUME COMPANY,

upon which twenty-five dollars per Share has been paid up, subject to the regulations and conditions established, or which may be established by the Company, and transferable only on the books of the Company, on return and cancelling of this Certificate.

J. P. Crawford
SECRETARY.

REGISTERED,
April 20, 1864.

Wilkinson Mackenzie
PRESIDENT.

the Borealis Company against the Watson Company. After the Assistant Gold Commissioner's decision awarding the disputed claim to the Watson Company was sustained by Begbie, the Borealis Company took the case to chancery. There, sitting this time as Chancery Court judge, Begbie reversed his earlier decision, and awarded the disputed ground to the Borealis Company. By all accounts, the mining community of the Cariboo was incredulous, and the colony's three main opposition newspapers wasted no time in adding their voices to the growing cries of indignation emanating from the gold fields. Most distressing to British Columbians was the use of the Chancery Court as a court of appeal, a process that was not only expensive and protracted, but was also capricious, because decisions appeared to be unfettered by any reference to statute law. "The late decision in the Borealis & Watson case strikes me as being the most flagrant and arbitrary stretches of power that has ever been committed by an individual occupying the position of Judge," wrote "Miner" in 1866:

> . . . we have mining laws containing explicit provisions as to the manner in which claims should be taken up and held, but at the same time that any parties having money enough to stand the costs of a chancery suit may omit to comply with these provisions and set the law at defiance; it tends to create a feeling of insecurity as to the value of every title; no man is secure if he strikes a good claim, as after strictly complying with the law which he supposed to be protection and spending his last dollar in prospecting, he may find when he thinks he has reached the long hoped for goal of his ambition, that some more favoured individual had intended in taking up the same ground long previously, but had neglected . . . staking it off or recording it, a grave error certainly, but one which can be expiated by filing a bill in Equity, making a score or two of affidavits, and paying his own costs in a Chancery suit, and this is what is called "Equity".

Less measured was the commentary of the Victoria-based *British Colonist*, which contended that the "endless round of litigation" in British Columbia's mining districts was "ruining claimholders, shutting

up the country's wealth and causing disasters in communities hundreds of miles away from the scene of the dispute." "The risks of mining are a mere bagatelle," the newspaper concluded, "it is the risks of Begbie's Chancery Court that terrify the miner."

Public indignation over Begbie's actions in the Borealis case scarcely subsided when his handling of another mining dispute again drew the attention and the wrath of British Columbians. After issuing an injunction ordering the Davis Company to cease work on disputed ground, Begbie discovered that the Supreme Court seals necessary to validate the injunction were unavailable — detained, with the rest of his luggage, on a wagon that had broken down en route to Bridge Creek. Undeterred, the judge sent a messenger to Richfield with the injunction and orders for William Cox, the Stipendiary Magistrate and Assistant Gold Commissioner there, to attach seals to the injunction in his capacity as Deputy Registrar of the Supreme Court. Cox, whose decision Begbie had overturned in issuing the injunction, declined to act as ordered, claiming that while he "entertain[ed] high respect for Mr. Begbie as Mr. Begbie and also as Supreme Court Judge," he held no commission as Deputy Registrar. Moreover, continued the Magistrate, "Finding now that it is attempted to drag me into this disagreeable quarrel, and act contrary to my own conscience, I would if I actually did hold a commission as Deputy Registrar of the Supreme Court resign the post at once."

Although delayed by Cox's "decisive stand", *Aurora* v. *Davis* came to trial before Matthew Baillie Begbie and a special jury on 18 June. After deliberating until midnight, the jury awarded half of the disputed ground to each side, because "the Aurora and Davis Companies have expended both time and money on said ground in dispute." According to the *Sentinel*, the jury's decision met with the general approval of the entire mining community:

> There is probably no instance on record where trial by jury has been so fully appreciated. . . . We are convinced that there is not a single miner on the creek that would not gladly submit his grievances to the decision of seven disinterested fellow citizens, and thus avoid the expensive and vexatious proceedings in the Chancery.

Despite the satisfaction with the jury's verdict evinced by the *Sentinel* Begbie insisted that a decision by his court "would not end the litigation, and the expense of actions in one or two other branches of this Court would be heavy on both parties." Instead of accepting the jury's verdict, the judge suggested "that the whole matter be referred to me, not in my capacity as Judge, but as an arbitrator and friend, and that whatever decision I may arrive at will be final and

British Columbia Archives

Matthew Baillie Begbie, the colony's celebrated "hanging judge", helped agitate the legal waters at Grouse Creek.

absolute." The two sides agreed, and the following day — 19 June — Begbie rendered his decision to an "anxious" court room. Perhaps hoping to forestall any criticism, the judge made it a point to downplay the irregularity of his actions and to praise the jury as an institution. "I have always had every reason to be satisfied with the findings of juries during the whole period of my own official experience in this colony," Begbie remarked; but if "a jury finds a verdict contrary to the evidence, resulting from ignorance, fear, or any other cause it is [the judge's] privilege to set aside their verdict." Noting that "when men go to jump ground they do not see their enemies' stakes," Begbie ruled against the Davis Company and awarded all of the disputed ground to the appellant.

Reaction was immediate. Five or six hundred miners and residents of Cariboo gathered in front of the Richfield Court House on a rainy Saturday night six days after Begbie's decision to discuss the administration of the colony's mining laws. Amid a great many speeches lasting well into the night, the participants passed three resolutions:

> RESOLVED, That in the opinion of this meeting the administration of the Mining Laws by Mr. Justice Begbie in the Supreme Court is partial, dictatorial, and arbitrary, in setting aside the verdict of juries, and calculated to create a feeling of distrust in those who have to seek redress through a Court of Justice.
>
> RESOLVED, That the meeting pledges itself to support the Government in carrying out the Laws in

British Columbia Archives

The workings at Grouse Creek, showing part of the area over which the claim-jumping dispute raged.

their integrity, and beg for an impartial administration of justice. To this end we desire the establishment of a Court of Appeal, or the immediate removal of Judge Begbie, whose acts in setting aside the Law has destroyed confidence and is driving labor, capital and enterprise out of the Colony.

RESOLVED, 'That a Committee of two persons be appointed to wait upon His Excellency the Administrator of the Government [Arthur Birch] with the foregoing resolutions, and earnestly impress upon him the immediate necessity of carrying out the wishes of the people.

With three cheers for Judge Cox, the *British Colonist*, the *Cariboo Sentinel* and the Queen (in that order), and three groans for Judge Begbie, the meeting adjourned.

As a result of the mounting public pressure for reform, the colonial government amended the Gold Fields Act in April 1867, limiting appeals from the Mining Court to questions of law only. For all intents and purposes, this amendment made the decision of the Assistant Gold Commissioner final, something which bothered the colonial government greatly. "This change was made against the general feeling of the Legislative Council, at the insistence of the Members nominated for the Mining Districts and especially the urgent representation of the Mining Board of Cariboo," Attorney General Crease wrote. However, "experience shews the power of appeal to be a safety valve for the preservation of the peace in the Mining Districts of the Colony." These were prophetic words. But for the next two months at least, all was quiet in Cariboo.

The *Borealis* v. *Watson* and *Aurora* v. *Davis* cases set the stage for the final, and according to one magistrate most "humiliating" part of this mining trilogy: The Grouse Creek War. Having found Chancery and arbitration wanting, and his government colleagues sensitive to public pressure, in 1867 Matthew Baillie Begbie found only one option remaining: to adhere to the newly-amended Gold Fields Act and refuse to hear appeals from the Mining Courts. As will be apparent from what follows, this course was not successful in restoring British Columbians' faith in the administration of the law. The fault was not Begbie's however. A less outspoken Supreme Court judge might have succeeded in blunting the sharpest barbs, but no one could have bridged the gulf between law and justice.

In late April 1864, the Grouse Creek Bedrock Flume Company, a Victoria-based joint stock company, applied to Peter O'Reilly, Richfield's Assistant Gold Commissioner, for the rights to a certain portion of land on Grouse Creek. O'Reilly granted the company title for ten years provided they fulfilled the usual conditions of occupation, licencing and recording of the claim as outlined in the Gold Fields Act. During 1864 and all of 1865 the "Flumites", as they came to be known, developed their claim, investing $20,000 to

$30,000; but in late 1866 the company ran out of money, and their claim was left unoccupied from September to November. During this time — on 8 October — the Canadian Company, a locally-based association of free miners, entered the Flume Company's claim, and finding it apparently abandoned, applied for rights to it. Warner Spalding, who had replaced Peter O'Reilly as interim Assistant Gold Commissioner, duly recorded the ground in the Canadian Company's name. At the beginning of the next mining season, in March, the Flumites renegotiated their lease to the Grouse Creek claim with the Crown, managing to extricate themselves from all previous conditions regulating their occupation of the ground. Inexplicably, Warner Spalding, who had just six months earlier granted the same piece of land to the Canadian Company, presided over this renegotiation on behalf of the Crown. It was only a matter of weeks before the two companies clashed, and the dispute was taken to the district's Mining Court, again to be heard before Spalding. There Spalding ruled in favour of the plaintiffs, and ordered the Canadians off the disputed ground. The Canadians gave notice of appeal, but obeyed the Commissioner's order.

Though the Canadians left quietly, they were back on Grouse Creek in a month. At the end of May, Anthony Melloday and three other Canadian Company members commenced work on the Grouse Creek Flume Company's claim. This time, however, the Flumites took their complaint to the Magistrate's Court, laying criminal charges of trespass against the Canadians. The foreman, Melloday, received the heaviest sentence: one month's imprisonment. The others were sentenced to two two-week sentences and one one-week sentence. Noting that the earlier injunction served on the Canadian Company by Spalding had been "given to their foreman . . . in an oral and extradjudicial manner, and not in the form of an order of Court", the *Cariboo Sentinel* contended that the Canadians had been operating under a "misconception" and that the punishment meted out was "rather severe".

At the beginning of July Begbie informed the two companies that he would not, in keeping with the newly-amended Gold Fields Act, hear the appeal. Though he underscored his opposition to the new act, the judge told the appellants that he was not willing "to drive a coach-and-four through this clause, [just] because I conjecture that it may prove mischievous or work hardship." Undeterred, the Canadians regrouped, and now thirty or forty strong, they again returned to Grouse Creek. Three constables and one surveyor were dispatched to eject the Canadians, but were prevented

Miners work below the Grouse Creek flume, circa 1868.

British Columbia Archives

British Columbia Archives

Members of the Canadian Company pose near the workings at Grouse Creek.

from doing so when the company's men "surrounded [them] . . . without showing any hostile disposition, or making any threats of violence, but simply claiming that as they all acted as one man, if any one was liable to arrest they all were . . . ." The constables left.

Local sentiment seemed to be very much on the side of the Canadians, particularly in light of Begbie's refusal to hear the company's appeal — a situation that was doubly ironic, given that local sentiment, and notably the pressure of the Canadian Company's principals, John MacLaren and Cornelius Booth, had led to the 1867 amendment. Writing on behalf of the members of the Canadian Company, Booth insisted they were not "acting in opposition to the law of the land . . ." He continued:

> Since the Supreme Court sat, they have made the most strenuous efforts to bring their case into court, not with a view of setting aside, but carrying out the decision of Commissioner Spalding. Their case would not be heard at any time, and any action they have taken since is simply with the object of coming into court in such a manner, that the rights they contend for may be contested on the real merits of the case, supported by evidence, which is, I opine, the spirit of British law.

Booth told the same thing to a public meeting of 500 people gathered to hear "a full and truthful statement of the grievances and position of the Canadian Company." The sympathetic crowd passed a resolution recording their support for the Canadians and their commitment to aid the company "by all lawful means to obtain their rights".

The good will manifested toward the Canadians made itself apparent the next day, when the district's magistrate proceeded to Grouse Creek, backed this time by twenty-five or thirty of "the most prominent businessmen, and respectable citizens of this town" who answered court summonses to act as special constables. Once there, the *posse comitatus* exchanged "the most friendly greetings" with the Canadians and the nearly 400 eager onlookers who had "splashed through mud and mire, knee-deep, in haste to reach the rendezvous". All settled in for a long, and what must have been anti-climactic afternoon of negotiation by letter between the two companies. In the end, with no hope of settlement, the magistrate read a writ of injunction to the Canadian Company and asked them to leave the claim. "[A] unanimous NO was returned, whereupon Mr. Ball, along with his constables, left Williams Creek, then the crowd dispersed." The magistrate immediately telegraphed the governor, requesting that a detachment of marines be sent to assist him. The Royal Navy refused to intervene, and Seymour, "at very considerable inconvenience to myself proceeded . . . to Cariboo."

It was this stalemate that greeted the governor when he arrived at Richfield a few weeks later, on 7 August.

Seymour, along with the rest of the colony had been treated to a series of alarmist reports of "mob law" on Williams Creek from the *British Colonist* and the *British Columbian*, and no doubt expected the worst. The *Columbian* charged that justice and law had been trampled underfoot and added:

> . . . It is simply a question of British Law vs. Lynch Law. . . . [with reference to Governor Seymour's visit] To go to the scene of strife unarmed with a force to *compel* submission will simply to be to toy with outlawry while the coveted treasure is being grabbed up.

Calling for the imposition of "martial law" the *Colonist* noted that "by offering armed resistance to the mandate of a court" the Canadians were "criminals" who "went into court determined to obey the law if it was *with* them; [and] to break it if it was *against* them." The *Cariboo Sentinel* took issue with its competitors' treatment of the Grouse Creek "War". "Victorians," the *Sentinel* speculated, "no doubt wrought up to the highest pitch of excitement by the graphic descriptions of the warlike attitude of the Canadians, would be surprised if they were here. Canadians and Flumites may be seen daily in the streets of Barkerville, habited in the usual miners' garb, saluting each other without the slightest appearance of hostility." The *Sentinel*'s attempts to emphasize the peacefulness of the Cariboo were not aided by the events which followed, however.

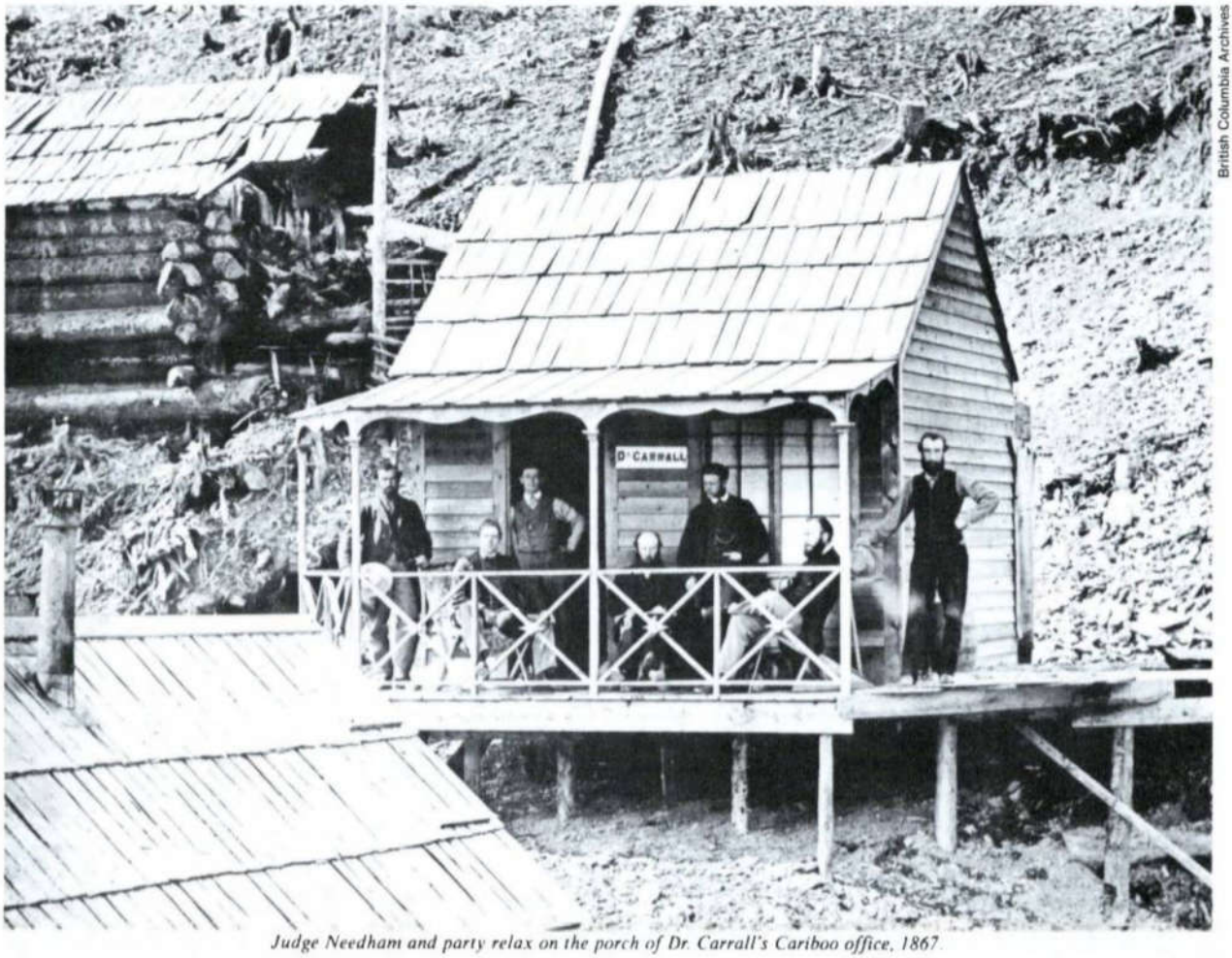
A few days after Governor Seymour's arrival, the Canadian Company strode into Richfield, not, noted one anonymous writer "in obedience to any order or summons," but at the suggestion of their leader, Cornelius Booth. Though Booth — the "Talleyrand of the band" — assured his compatriots they would not be arrested, seven of their number were. Conveyed immediately to the courthouse, the seven received three-month sentences for resisting arrest (stemming from Magistrate Ball's earlier attempt to eject the Canadians from Grouse Creek); however, with the exception of one man, all refused to go to jail. Instead, they "warned the constables not to touch any of them, and abused and blackguarded the Commissioner on the Bench". The seven told the court "that if they had treated the Commissioner to more champagne &c. they would have won their case". Ball left the courtroom, and the governor requested a parley with Booth. After extracting a promise from Seymour to commute the sentences to forty-eight hours imprisonment, Booth "*persuaded* his comrades to walk towards the jail, promising them that they would not be confined three days". This concession to the "form" of law was continued once the redoubtable Canadians arrived at the Richfield jail. There, wrote the anonymous commentator, "they would not allow the doors of the jail to be locked upon them and had free access to all the Court house grounds during the term of their imprisonment."

When Seymour left Richfield he left behind conflicting impressions of what he had accomplished. The Canadian Company believed they had secured a promise for a new trial, while the *Colonist* and the *Columbian* were convinced that Seymour had merely offered the services of Joseph Trutch, the Colonial Surveyor, as arbitrator. Added to this confusion was yet another round of vitriolic newspaper reports from Victoria, condemning the governor's actions. Claiming that the actions of the Canadian "mob" were legitimated by the governor's negotiations, the *Colonist* predicted an end to the "security of life and property in the country". The Canadians rejected arbitration, insisting that they would "accept nothing less than the law allows them": a new trial. Less lofty were Cornelius Booth's sentiments about Trutch's arbitration. "It appears to me passing strange," he wrote,

> that a case which has already, through the blundering of incompetent, or possibly interested officials, assumed an unpleasant and dangerous magnitude, should be proposed to be submitted to the decision of an individual in whom the Canadian Co. and the miners of Cariboo in general have no more confidence as to his ability to understand and administer British Law or British Justice than they would have in the ability of a dancing dervish to understand and expound the ten commandments.

Seymour then appointed Joseph Needham, Vancouver Island's Supreme Court Judge, as arbitrator. Needham arrived in Richfield in mid-September, prepared to try the Grouse Creek case. Noting that every court had the power to suspend its rules if "any technicality arises that might tend to defeat the ends of justice," the judge began hearing evidence in the *Canadian Company* v. *the Grouse Creek Flume Company* on 17 September. After two weeks of testimony, Needham awarded all of the disputed ground to the Flumites. "I cannot be blind to the fact that much public excitement has existed with regard to this case," he told the court,

> but I do hope and believe that all will acquiesce in the decision of this court; I can only say that it has been arrived at after anxious consideration, and a simple desire to administer justice according to the law. I hope, and firmly believe, that armed alone with the authority of the law, a child may execute this judgment, and that no one will here be found whose wish is not to uphold and obey the judicial tribunals of this country — tribunals which have always been regarded by Englishmen as the fountain of justice, and the bulwark of freedom.



British Columbia Archives

Judge Needham and party relax on the porch of Dr. Carrall's Cariboo office, 1867.

With this plea for peace, Needham ended one of the most protracted disputes in the colony's short history, and one which was noted as much for the bitterness engendered between Island and Mainland, as between the rival mining factions. It also ended Begbie's stormy tenure as Mining Appeal Court Judge. After 1867 the "tyrant judge" heard few mining cases, leaving them to his less controversial colleagues.

These cases and the Grouse Creek War are more than "*causes célèbres*", as Matthew Baillie Begbie's biographer calls them. They illustrate, in Chief Justice Needham's words, difficulties of "administering justice according to the law". Justice and the law are the warp and woof which run through these remnants of colonial history and which tie them to the larger fabric of British Columbia society. To Joseph Needham and to Caribooites on both sides of the debate over the colony's legal administration, law and justice were separate entities. The purpose of the law was to secure property and encourage economic development. On this both sides agreed. The anti-Canadian Company faction contrasted their own adherence to and respect for "British Law" with the Canadians' "Mob rule" and predicted an end to "that security of life and property in the country that has ever been our proud boast."

At the same time, the Canadian Company, the "mob" of "footpads" and "filibusters", predicted the same result if its demands were not met. "There are three things the most despotic governments claim," Cornelius Booth told a crowd of 500 gathered at Fulton's Saloon, "namely the right to take property, liberty and life. The first of these have already been taken from the Canadian Co., and there is but one step to the last."

Though they used the same language to express what they considered the purpose of the law to be, British Columbians differed when it came to the idea of justice. While the law was a set of rules to achieve a given end, justice measured the quality of that end. How well the law worked depended on how well it worked

for a specific individual. In this way the law was a personal matter to Caribooites, and because of this the local magistrate played an important part in their assessment of its justness. William Cox's knowledge of miners and mining won him the admiration and support of 490 of his neighbours, who petitioned against his removal. "From the very long acquaintance we have had with Mr. Cox, and the intimate knowledge he has acquired of mining in the Cariboo, we consider him much better qualified for the office than any other man in the Colony," they wrote. "Mr. Cox's conduct . . . has been such as to inspire the public with the utmost confidence in his integrity . . . while his judicial decisions have had the effect of checking litigation." These judicial decisions were often unconventional: the magistrate settled one mining court claim by making the opposing parties race from the steps of the Richfield Court House to the disputed ground — winner take all. On another occasion Cox swore in Chinese witnesses by decapitating a chicken instead of administering the usual and less spectacular oath.

Cox's "intimate knowledge" consisted of a proper understanding of community morals, and it was this empathy that underlay justice in the Cariboo. In the Grouse Creek War, community sentiment about what was right and wrong made it impossible to keep the Canadian Company under lock and key. Jury decisions became even more important bridges between law and justice in this context, linking abstract rules with local sentiments. The Richfield grand jury warned Judge Begbie that such was the case, noting that "owing to its isolated position, the peculiarity of its interests, and especially its national origin, [this community] has a decided preference for trial by jury, and is extremely jealous of all verdicts by its peers . . . ."

The *Cariboo Sentinel* was even more direct, asserting that "a man is wrong when almost every person in the community thinks that he is wrong". So when Begbie overturned the jury verdict in *Aurora* v. *Davis* he not only flouted what Caribooites thought was established practice, but he also burned one of the few bridges between law and justice in the new colony.

The source of the gulf between law and justice was "common sense". Caribooites believed that there were occasions where following the rules was inappropriate and could even lead to injustice. The solution lay in abiding by "common sense". In this way the ends of both law and justice would be met. English common law also recognized that its rules did not cover all situations. The whole area of chancery or equity law developed as response to the divergence of law and fairness. Instead of applying standard rules, remedies or punishments to particular circumstances, the Court of Chancery instead applied a standard of natural justice to the cases that came before it. The problem, of course, was that when a standard of natural justice developed over several centuries in England was applied to a Cariboo mining case, as it was in *Borealis* v. *Watson*, it was still viewed as foreign and separate from local common sense. The *Sentinel* made the point quite clearly in 1867 when, in an unusually pensive mood, it reflected on the early administration of the colony's mining laws with that of Peter O'Reilly, as a district gold commissioner, and his successor William Cox. Prior to O'Reilly's arrival, the mining laws "consisted of only a few proclamations issued from time to time . . . and the commissioner supplemented these with his own judgment." The *Sentinel* continued:

> . . . . It was not until the administration of Mr. O'Reilly that this Court, by his false pretensions to legal ability, declared itself to be a Court of Equity or Law, or both combined . . . . The policy of Mr. Cox, on the other hand, was quite different: he made no pretensions to legal ability, yet his policy was at once most agreeable to the miners . . . and presided . . . with no little success.

Cox's success, the *Sentinel* concluded, was due to the fact that he was "guided by common sense rather than a smattering of law".

Because these British Columbians wanted their common sense to govern the resolution of disputes, administering justice according to a set of standard laws became a difficult and sometimes impossible task. This was Magistrate Gaggin's "delicate game", and it was one that would be played over and over again, not only amid the western mountains, but in many other isolated corners of nineteenth-century British North America. ♦

Tina Loo is a doctoral student in history at the University of British Columbia, Vancouver.

The Forgotten Explorer

By William Barr

The map of the northwest corner of Hudson Bay bears a series of place names that were bestowed in the mid-eighteenth century by a very interesting individual, Captain Christopher Middleton, whose contribution to the exploration of the Canadian North and also to many other areas of endeavour, has so far been sadly overlooked. The list includes such names as Rankin Inlet, Cape Dobbs, Wager Bay, Cape Hope, Repulse Bay and Frozen Strait. The events which led to his naming of these features, and to the fact that his own name is not represented anywhere on the map of Canada, comprise one of the most fascinating chapters in the history of the search for the Northwest Passage.

In his will, Captain Middleton described himself as a master mariner of Norton, County Durham, and in all probability he was born there. We have few details of his early career prior to the beginning of his long association with the Hudson's Bay Company. According to his own account, he first went to sea "in several Letter of Marque Ships in Queen Anne's War" (1702-1713), and thereafter spent many years "on the coasts of both New and Old Spain".

In 1742 Middleton mentioned having made "three and twenty voyages" to Hudson Bay. This means that he cannot have joined the Company any later than 1719, assuming that he made the trip every year. His service with the Company had certainly begun by 1721, since in the spring of that year he sailed to York Factory as second mate aboard *Hannah*, under Captain Ingram Gofton. Middleton returned to England with *Hannah* in the fall, but appears to have made further voyages to Hudson Bay in both 1723 and 1724. On 20 January 1725, he was given his first command: he was "Chosen & Appointed Commander of the Compies Ship *Hannah* Friggtt . . . at the Same Wages & Allowance as the Compie. usually give to their Commanders." Middleton rose rapidly to become one of the Company's most trusted and experienced captains.

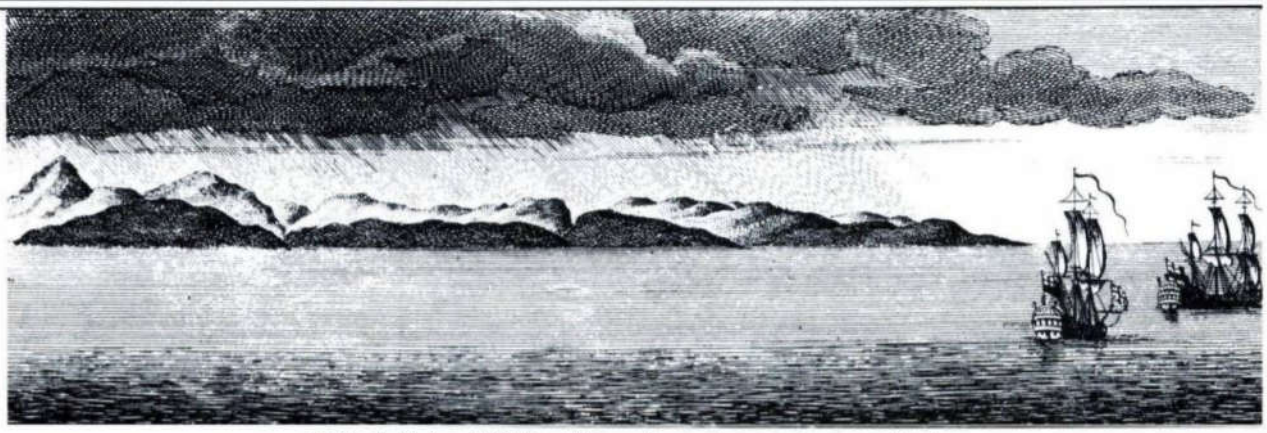
For 16 successive seasons, he commanded Company ships on their annual voyages, through Hudson Strait and to various posts in the bay without mishap. During the same period another of the Company's captains, Captain Coats, lost two ships, crushed by ice, one in the longitude of Cape Farewell in 1727 and the other off Cape Resolution in 1736. Twice Middleton had been given new vessels as soon as they came off the slipways. Clearly, he was not only a reliable and experienced sailor, but was also considered so by his employers.

The Hudson's Bay Company relied upon Middleton's skills and talents in other directions also: in 1730 he sailed to Albany, and having finished his usual business there was to proceed by sloop to Moose Factory and choose a suitable site for the fort, for which he had already submitted a plan to the Company. Even more to his credit is the fact that he drew the plans for the Prince of Wales Fort; his plan was accepted by the Company in 1731, and Richard Norton was ordered to follow it. Hence the stone fort still standing at Churchill is to some degree a memorial to Christopher Middleton.

Early in his career with the Company, Middleton had established his reputation as a meticulous and innovative nagivator: in the spring of 1726, his "New and Exact TABLE Collected from several Observations taken in four Voyages to *Hudson's Bay* . . . Shewing the Variation of the *Magnetical Needle* . . . from the Years 1721, to 1725 . . ." was published in the Royal Society's *Philosophical Transactions*, Vol. 34, pp. 73-76. This was a very great honour for a ship's captain who had held command for only one year.

In recognition of his abilities, Middleton was elected a Fellow of the Royal Society in the spring of 1737, again a very great honour. At about this time he revealed that he was achieving a high degree of accuracy in determining the time (and hence, of course, establishing his longitude) at sea by using the new Hadley's quadrant to measure 8 to 10 different altitudes of the sun or stars. The instrument had been introduced to the Royal Society as recently as 1731.

Middleton's paper on the variation of the magnetic needle, and probably also his reputation as a reliable



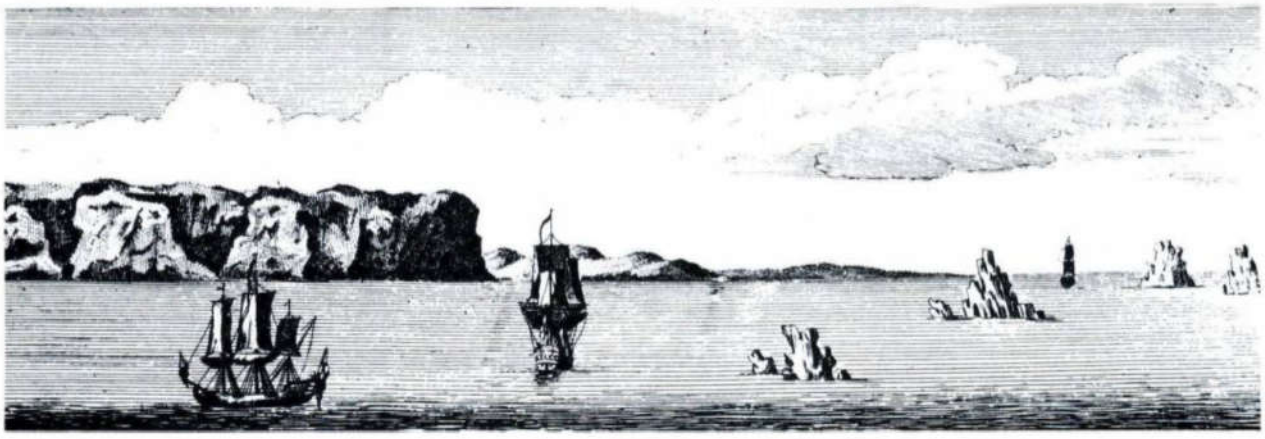
"Dobbs Galley" and "California" in northern waters, a contemporary drawing.

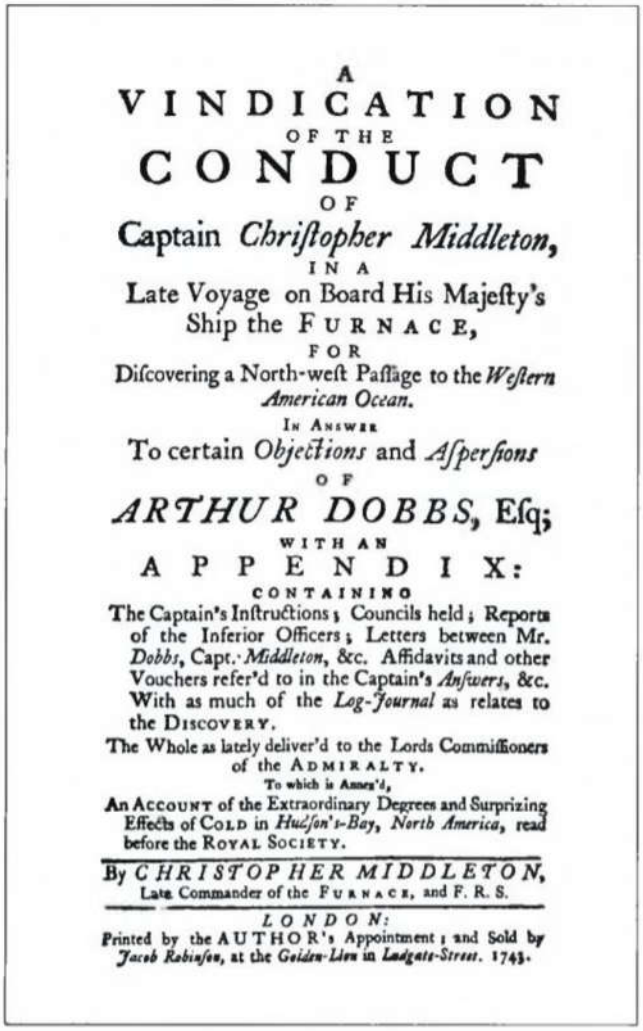
captain, brought him to the notice of Arthur Dobbs of the Irish Dobbs family, of Castle Dobbs near Carrickfergus on Belfast Lough. Publications by Dobbs in the *Transactions of the Royal Society* included letters on a parhelion (sundog) in 1721, aurora borealis in 1725, and a lunar eclipse observed from Castle Dobbs. In 1728 he was nominated Deputy Governor of Carrickfergus, and with the influence of the Governor, Lord Conway, ran for and won the Carrickfergus seat in the Irish Parliament. In 1728, too, Dobbs published his *Essay on the Trade and Improvement of Ireland*. His later bitter fight with the Hudson's Bay Company is foreshadowed in this treatise, which is a strong appeal for free trade and the abolition of duties and tariffs; in this he antedated Adam Smith by more than 40 years. Feeling his ambitions and talents thwarted in Ireland, Dobbs composed a memorandum calling for a vigorous colonization policy to forestall France and Spain in North America. Dobbs travelled to London in April 1730, and called on Sir Robert Walpole, the first minister, who received his scheme favourably. He also made himself known to several influential London merchants, who shared his opinions on free trade.

It was probably this contact with the London merchant brethren that sparked Dobbs' interest in the Northwest Passage. Towards the end of 1731 he composed a long memorandum on the probable existence of the Passage, and on the urgency for Britain to discover it, in order to counter French expansion in northern Canada, and to forestall them in the Pacific. This he forwarded to Walpole. In 1735 he again travelled to London, and was favourably received by Walpole, and also by such influential men as Colonel Bladen of the Board of Trade, and Sir Charles Wager, First Lord of the Admiralty. The latter approved of the scheme for a search for the Passage, but felt that it properly lay within the domain of the Hudson's Bay Company. Wager provided Dobbs with an introduction to Sir Bibye Lake, Governor of the Company. Subsequently, Dobbs had several interviews with Lake, but met with little success in persuading the Company to mount an expedition in search of the Passage: the disastrous result of the Knight expedition, financed by the Company, in which two ships with all their men were lost at Marble Island in 1719-1721, was still too fresh in the Committee's memories.

It was almost inevitable that the paths of Dobbs and

"Dobbs Galley" and "California" near Cape Walsingham on the voyage of 1746-1747.





A
VINDICATION
OF THE
CONDUCT
OF
Captain *Chriſtopher Middleton*,
IN A
Late Voyage on Board His Majeſty's
Ship the FURNACE,
FOR
Diſcovering a North-weſt Paſſage to the *Weſtern American Ocean.*
IN ANSWER
To certain *Objections* and *Aſperſions*
OF
ARTHUR DOBBS, Eſq;
WITH AN
APPENDIX:
CONTAINING
The Captain's Inſtructions; Councils held; Reports of the Inferior Officers; Letters between Mr. *Dobbs*, Capt. *Middleton*, &c. Affidavits and other Vouchers refer'd to in the Captain's *Anſwers*, &c. With as much of the *Log-Journal* as relates to the DISCOVERY.
The Whole as lately deliver'd to the Lords Commiſſioners of the ADMIRALTY.
To which is Annex'd,
An ACCOUNT of the Extraordinary Degrees and Surprizing Effects of COLD in *Hudſon's-Bay*, *North America*, read before the ROYAL SOCIETY.
By *CHRISTOPHER MIDDLETON*,
Late Commander of the FURNACE, and F. R. S.
LONDON:
Printed by the AUTHOR's Appointment; and Sold by *Jacob Robinſon*, at the *Golden-Lion* in *Ludgate-Street*. 1743.

Middleton should cross: they shared scientific interests and also a strong belief in the existence of the North-west Passage. Their first meeting appears to have taken place in May 1735, at a "Coffee-house in Thames-street near Billingsgate."

Largely due to Dobbs' pressure, two sloops, *Churchill* and *Musquash* were sent north from Churchill in 1737. The death of the leader, Captain Napper, in August, seems to have killed any exploratory drive, and they made no new discoveries. Middleton was not impressed:

> In my opinion, the People on board were not duly qualified for such an Undertaking. They prosecuted their Voyage no farther than the Latit. 62¼° North, and returned without making any new or useful Discovery.

This failure seems to have crystallized Dobbs' suspicions of the Company. He felt that they were deliberately attempting to discourage any serious search for the Passage, or any large-scale settlement, in that their monopoly might be threatened. He felt very strongly that this monopoly should be broken in order to strengthen Britain's position relative to France in North America.

It would appear to have been about this date that Dobbs seriously began to entertain the idea of sponsoring a voyage of discovery of his own, and of enlisting Middleton to command it. Initially, Middleton remained loyal to the Company, but eventually repeated inducements from Dobbs, including the offer of a navy commission, broke down his resistance. Meantime, he furnished Dobbs with all the information he could on Hudson Bay. In the spring of 1740, Wager approached King George II about the proposed expedition, and the King gave his approval to the scheme. Plans were put in hand for an expedition in 1741. Although Middleton was aware of these developments, he did not resign from the Company until his commission was confirmed on 5 March, 1741. His notice was so short that his ship, *Hudson Bay V*, was taken out of service that year, which must have considerably disrupted the Company's plans.

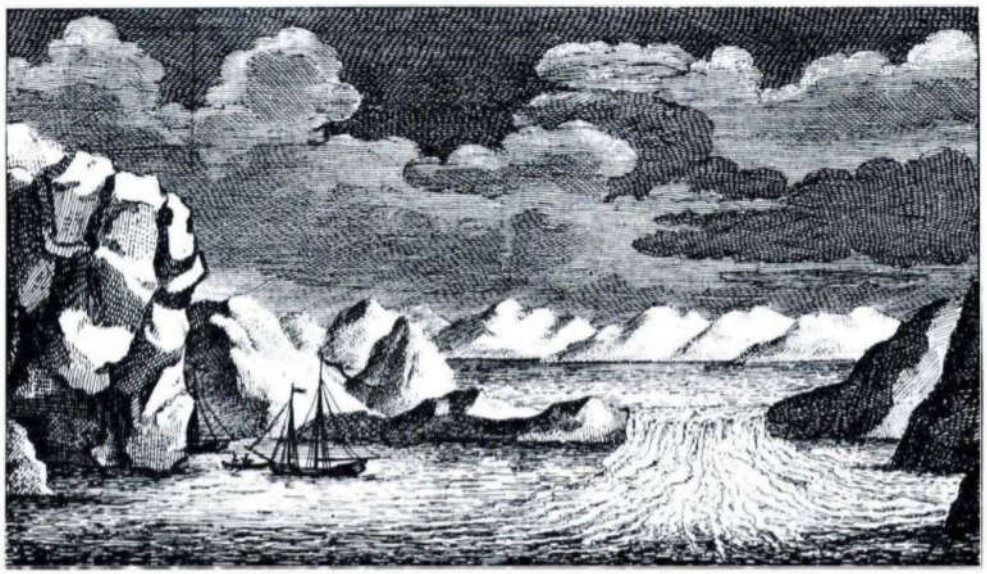
Middleton's new command was the bomb-vessel *Furnace*, built in the summer of 1740, but converted to a sloop in the fall for duties in the English Channel. In late April the Navy Board bought a newly built collier of 150 tons to act as tender: she was named *Discovery*.

Some of Middleton's officers transferred from *Hudson Bay V* with him: they included William Moor, who was given command of *Discovery*, Edward Thompson, who became *Furnace*'s surgeon, and Robert Wilson appointed as master aboard *Furnace*. This must have riled the Company even more, since they were all due to sail with him aboard *Hudson Bay V*.

For most of his men, Middleton had to rely on the press-gang, which meant that many of the men were totally unskilled and in poor health. Illness and incompetence among the crews were to plague Middleton throughout the expedition. On his return he wrote:

> . . . for certainly no ship was ever pestered with such a set of rogues, most of them having deserved hanging before they entered with me, and not three seamen among the whole number of private men; so that, had it not been for the officers, who, every one of them, worked like common men, I should have found no little difficulty to get the ships to England.

Another of Middleton's worries was to get permission to use one of the Company's posts in the Bay as his base: he was only too well aware that 20 years before James Knight had effectively been denied such permission, and of the tragic outcome on Marble Island. The Company's original reaction was extremely



"Dobbs Galley" and "California" explore the upper part of Wager Bay, 1747.

grudging, but some very strong pressure from the Admiralty produced the following amendment to orders already transmitted to the various factors in the Bay:

> Notwithstanding our former Orders to you, if Capt. *Middleton* (who is sent abroad into the Governments Service to discover a Passage to the North-west) should be obliged to resort to you, you are then to give him the best Assistance in your Power.

In return, Middleton was ordered to give the Company every possible co-operation and assistance.

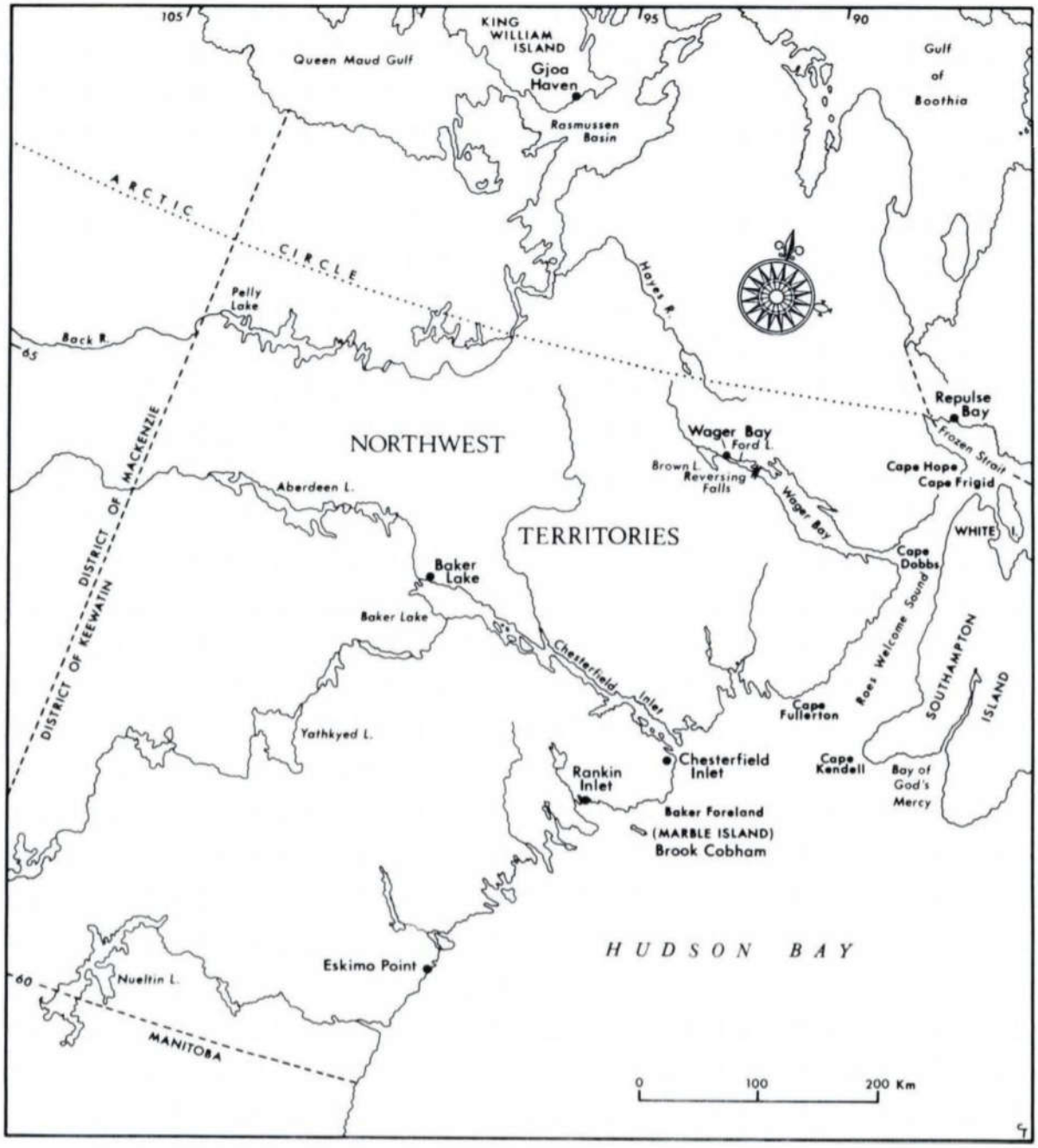
Middleton's instructions, although emanating from their Lordships of the Admiralty, were clearly influenced by Arthur Dobbs, the improving landlord, aspiring explorer, and free-trader. He was instructed to locate a strait leading to the western side of America, and to sail through to the Pacific. His orders covered such eventualities as meeting with Japanese ships, or encountering Captain Anson in the Pacific on his circumnavigation.

The two ships weighed anchor from the Nore on 8 June 1741, and were in Hudson Strait by 25 July. A council meeting was held on 1 August at Carey's Swan's Nest at the southern tip of Coats Island, when it was decided that in view of the lateness of the season, they should winter at Churchill.

Relations between the navy and the Company during that winter at Churchill were mixed. James Isham, the governor, was an old colleague of Middleton's and gave him considerable assistance. The men were housed in the old fort, recently abandoned for the newly-built Prince of Wales Fort, and Middleton and his officers were housed in the latter; Isham also lent Middleton his bricklayer to repair the stoves in the old fort, and sent to York Factory for beaver coats for the navy men.

The ships were warped into berths specially dug out for them, and the two communities settled down together for the winter. The Company men numbered only 28 and with 90 additional men, the Company's hunters were unable to keep them supplied with fresh meat, and scurvy soon broke out. The final death toll for the winter was eleven deaths from scurvy, one from drowning, and one natural death; many of the survivors suffered severely from frost-bite and venereal disease. Middleton used alcohol lavishly for medicinal purposes, and was more than generous with liquor on special occasions. On Coronation Day, the King's Birthday, and Guy Fawkes' Day 30 gallons of brandy were issued on each occasion for making punch. Christmas was the excuse for a two-week orgy.

Not surprisingly, Isham's recorded reactions are somewhat mixed. On the one hand he states that Middleton was "very serviceable to your Honours Interest" and on the other he elsewhere wrote that the Captain "did not Show himself to be a well wisher to your Honours Interest." Here he probably had in mind the desertion to the navy of the five Company men, and Middleton's prodigal use of alcohol; these aspects were probably still rankling when he wrote in his annual letter to the Committee on July 1742, that Middleton



has been ". . . . a very Troublesome Guess [*sic*]; I Humbly Desire if any Ships Comes again to winter, Your Honrs will please to send a More fuller Order in What manner to Acct."

Finally on 30 June 1742, Isham probably breathed a sigh of relief as he watched Middleton's mastheads drop over the horizon, and noted in the Churchill Journal ". . . at ¼ past 9 at Night ye Furnace and Discovery, his Majesty's ships & the Churchill sloop sett sail for their voyage, whom God send Safe."

Middleton's log paints a picture of a very competent piece of seamanship and exploration, undertaken under extremely difficult and trying circumstances. Already, as he sailed north next morning, Middleton was reporting scattered pieces of pack-ice. By the morning of the 3rd, the two ships were within sight of Marble Island, and by 3.00 a.m. on the 5th, they were off Baker Foreland. Still heading north, the ships encountered increasing quantities of ice, and on the afternoon of 8 July *Furnace* had to alter course because of ice for the first time. Next morning, the ships simultaneously

entered the mouth of Roes Welcome Sound, unknown waters, and solid pack-ice. Noon of 12 July was quite a momentous occasion; they rounded a major headland, which Middleton named Cape Dobbs, and stood in for an inlet or strait opening to the northwest beyond it. The inlet was, in fact, to turn into an ice-trap, and it would be three weeks before Middleton could extricate himself again.

The two ships entered the inlet, which Middleton suspected was simply the mouth of a river, to find that after a narrow entrance, it widened into an extensive body of water. Middleton honoured it with the name of Sir Charles Wager, First Lord of the Admiralty. His description of it is remarkably close to Wager Bay, as it now appears on the map: a narrow strait 3-4 miles in width for almost 20 miles, which then widens rapidly into a wide expanse 50 miles in length and up to 15 miles wide, running away to the northwest.

The ships anchored initially inside the Savage Islands at midnight, but they were menaced by ice-floes drifting down on them with the ebb-tide, and after a reconnaissance, Middleton moved his anchorage to a more sheltered spot, still inside the Savage Islands. That evening, Lieutenant Rankin was sent off with an 8-oared boat to reconnoitre the upper part of Wager Bay, and to ascertain if it could be the entrance to the Northwest Passage.

When Rankin returned in the early afternoon of 16 July he reported having proceeded up the inlet until stopped by solid ice; he established that the tide came from the south (*i.e.* from Roes Welcome Sound), an indication that this was simply an inlet and not a through-passage.

Next, Middleton made a reconnaissance of his own: he left the ships at 6.00 a.m. on the 17th to confirm Rankin's report. He got as far as an inlet on the north coast of Wager Bay, which he named Deer Sound, now known as Douglas Harbour: ice prevented him getting farther northwest. Ice conditions continued bad throughout 20-25 July. Since there was clearly no prospect of getting his ships out yet, and since he still did not know the full northwesterly extent of the bay, Middleton sent Rankin and Wilson out to explore again on 27 July. In their absence, Middleton sent eight of his sickest men, with a few others to take care of them, to camp on a nearby island, where there was an abundant growth of scurvy grass, as a type of rest-cure.

Early on the morning of 31 July Middleton made preparations for warping *Furnace* out of their cove. That evening, Rankin and Wilson returned; they had reached the head of Wager Bay, to within sight of the reversing tidal waterfall which divides it from Ford Lake. On 2 August Middleton found Wager Bay relatively clear of ice, and having established to his own satisfaction that it did not represent a through-route to the Pacific, he made preparations for extricating himself from the ice-trap. The ships cast off their moorings around noon on 4 August, and by 10.00 p.m. they had passed through the entrance back into Roes Welcome Sound.

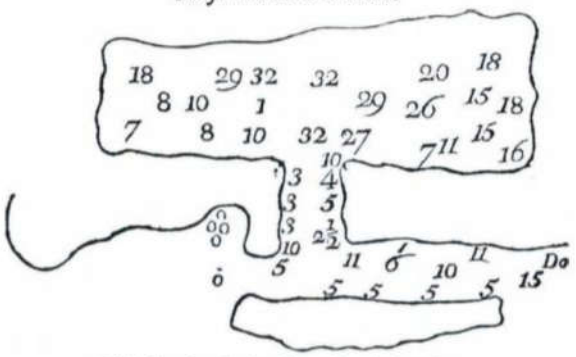
clear of Ice in the Middle this Morning; it is 9 or 10 Leagues broad.

July 16, 1742. JOHN RANKIN.

XXXI.

THIS is the Cove upon Brook *Cobham*, or *Marble* Iſland; it was almoſt dark, my Men were taking the Skin off the Bear they had killed in the Water.

Theſe are all Fathoms.



This lyeth off the Mouth of the Cove.

This Tide came in ſuddenly from the W. N. W. round the N. W. End of the Iſland upon us, and flowed ſo faſt that we had almoſt loſt the Bear: we were forced to throw it into the Boat, my Men up to their Middle in Water, by the ſudden flowing of the Tide, as all the Men can prove.

I am very certain, that there is a great Probability of a Paſſage, or Straits, leading to ſome weſtern Ocean, from the above Reaſon; for I did perceive an Opening to the weſtward of *Marble* Iſland, and deſir'd I might go there; but he told me, it did not ſignify much to go thither, but if I had a Mind

X o

A sample page, showing soundings at Marble Island, from Christopher Middleton's account of his voyage of 1741-1742 in search of the Northwest Passage.

The two vessels headed northeast up the Welcome in fair weather and almost ice-free waters. Next day the hopes of the expedition were raised:

> At 4 in the Afternoon set a fair Cape or Headland on the West or North Shore, which bore from us as above. The Land trenching away from the E. by N.

to the N. by W. making 8 Points Difference, gives us great Joy, and Hopes of its being the extreme Part of *America;* on which account I name it *Cape Hope.*

These hopes were soon dashed:

In the Morning, when the Sun cleared away the Haze, to our great Disappointment we saw the Land from the low Beach quite round to the Westward of the North, which met the Western Shore, and makes a very Deep Bay. Thus our hopes of a passage that Way were all over. But to make sure, we kept on our Course to the Cod of the Bay till 2 in the Afternoon, when we could not go above 6 or 8 Miles further that Way. And every one on Board plainly saw there was nothing but a close Bay.

Duke University Collection

Arthur Dobbs: Speculation on the Northwest Passage.

Middleton was so disappointed by this total collapse of any chance of finding the Northwest Passage, that he named this cul-de-sac Repulse Bay.

There remained the perplexing problem of the fact that the tides appeared to flow into Repulse Bay from the east. This mystery was solved on the morning of 7 August when Middleton went ashore on White Island off the northern tip of Southampton Island. Climbing to a vantage point, he could see the entire western end of Frozen Strait, covered with ice, and impassable to his ships, separating Southampton Island from Melville Peninsula.

"From now on, his sole aim was to discredit Middleton's report . . ."

With this, the two ships headed south again, keeping as close to the mainland coast as the treacherous reefs, shoals and currents would permit. By the 12th, they were back at Marble Island, where Middleton filled his water casks, and landed two of his Indian hunters. Then, with his water casks full, Middleton abandoned his search for the Passage, "Myself and Men being so very ill, and I perceiving we could do no more to any Purpose, bore away for Home . . ."

By 16 September the two vessels were back at Cairston in the Orkneys. However, the scurvy toll was now so high that Middleton had to leave some men there, and impress some Orkneymen to get his ships south to London.

Middleton had performed a very creditable voyage of exploration, under extremely trying circumstances. Apart from the fact that he had missed the entrance to Chesterfield Inlet, an oversight that can be easily understood by anyone who has seen the curtain of low islands which obscure the entrance of this inlet from a vessel cruising along-shore, Middleton had accurately charted all of the northwest corner of Hudson Bay for the first time. It must have been with a deserved sense of accomplishment that Middleton, upon reaching the Orkneys, dispatched an abstract of his journal to Dobbs in Ireland. In it he included the three most significant findings of the voyage: that Wager Bay was just that, and not a through-route to the Pacific; that Repulse Bay was a further cul-de-sac; and that Frozen Strait was the cause of the tide flowing from the east into Repulse Bay. On all these points, Middleton's report has since been fully substantiated.

Initially, Arthur Dobbs accepted the captain's verdict, no doubt with some disappointment, but also with

Remarkable Obſervations on Board his Majeſty's Ship Furnace, *on a Diſcovery in* North America.

	L.W.	H.	K. F.	Courſe.	Winds.	TRANSACTIONS, &c.
Saturday, Aug. 7.		2	1 4	N. N. W.	W.	Light Airs. Sounded 70 Fathoms. At 2 tack'd in the Cod of the Bay. It bore N. W. by W. 3 Leagues. From Side to Side a-croſs 6 or 7 Leagues. High Land.
		4	1 6	S.	W. S. W.	Ditto fair. At 4 ſounded 74 Fathoms. Cape *Hope* bore S. W. by Compaſs 7 or 8 Leagues diſtant.
		6	2	S. by E. ½ E	E. by S.	Light Airs, and clear Weather. Sounded 78 Fathoms.
		8	2 1			Ditto Weather. Sounded 90 Fathoms. C. *Hope* S. W. by W. 6 or 7 Leagues diſtant.
		10	1 4	S. S. W.	S. E.	Ditto Weather. Sailing amongſt ſtraggling Ice.
Obſ. Lat. 66°. 21'.		12	2 7	S. W.	S. S. E.	At 12 Cape *Hope* bore W. by N. 4 or 5 Leagues. The Eaſtmoſt Land on the E. Side N N. E. Working among ſtraggling Ice. Sounded 105 Fathoms.
		2	2 2	S. S. W.	S. E.	A ſmall Breeze. Amongſt ſailing Ice.
		4	2 4			Sailing amongſt Ice. At 4 ſounded 55 Fathoms. C. *Hope* N. N. E. 5 Leagues.
		6	2			Half paſt 5 tack'd for the Tender. Sounded 55 Fathoms to 40. Much Ice to the Eaſtward of us.
		8	3 4	E. N. E.	S. E.	At 8 tack'd. Cape *Hope* N. by W. half W. 6 Leagues. The low Beach S. W. 4 or 5 Leagues. Sounded 55 Fathoms.
		10	3 4	S. W.	S. E.	At 10 I went on Shore with the Boat to try if I could find where the Flood came in, and how this Channel or Strait lay; alſo to try the Tide. At half paſt 11 lay to for the Boat. In 1 Reef of each Top-ſail. At 12 C. *Hope* bore N. half E. 6 Leagues. The Beach W. S. W. 4 Leagues. The Entrance of the *New Strait* amongſt the Iſlands on the E. Side, E. 2 Leagues.
		12	1	S. W. ½ W		

Longitude from *London* 84°. 41'. W.

Variation. N. 45°. W.

(37)

Wind, Weather, &c. as above, having been working out of this North Bay, and now got off the Strait where the Tide comes in. Went on Shore, as above, to try the Tide, and to find from whence the Flood comes. The Land is very high here. The Gunner, Carpenter, and Clerk along with me.

A page from Middleton's log as printed in his book "A Vindication of the Conduct of Captain Christopher Middleton" published in 1743.

resignation. Then on 14 December 1742, he wrote to Middleton outlining a plan to develop Hudson Bay trade by challenging the Company's monopoly, and by opening up settlement on the upper reaches of the Moose, Albany, Severn and Nelson Rivers, and asking for Middleton's co-operation, particularly with regard to information on the area. In his reply, Middleton poured cold water on the scheme, emphasizing the rigours of the climate and the unnavigability of the rivers. This appears to have been the turning-point in the relationship between Dobbs and Middleton. To Dobbs, any person who even hinted at being a friend of the Company, had to be an enemy. From now on, his sole aim was to discredit Middleton's report that there was no Northwest Passage in the vicinity of Wager or Repulse bays, thus repaying Middleton, and at the same time encouraging the breaking of the Company's monopoly. Another link in the strange chain of events was an anonymous letter, which Dobbs claimed to have received from two former members of the expedition, in which they accused Middleton of having falsified his report in order to conceal the fact that he had indeed discovered the Northwest Passage.

Dobbs' campaign against Middleton began on a fairly low key: having received and perused the full version of his journal, he wrote to him on 22 January:

> . . . .I discovered from your Journal at large; that you have made a much greater Progress in the Discovery of the Passage, than you imagined when there; and that from the Lights I have got from your Journal, I can almost prove that you were in the Passage, and that Wager River is properly Wager Strait, and not a fresh Water River; and that the Way you enter'd it was one, tho' not the greatest and easiest Way into the Strait.

This head-on collision between what Sir Edward Parry, the eminent arctic explorer has called "the ocular evidence of Captain Middleton against the speculative reasoning of Mr. Dobbs" seems quite incredible. That a landlubber like Dobbs should presume to question the views of an experienced seaman like Middleton on matters nautical such as tides, salinities, whales, etc., is quite astounding. Even more incredible is the fact that Dobbs was able effectively to sway opinion against Middleton in high places. There is fairly strong evidence that this was achieved by bribing several of the former members of the expedition. Middleton suspected this in at least two cases. He comments:

> He [Rankin] meant me honestly at first . . . But the specious Promise of a Command in another north-

west Expedition appears to have operated on him, and soon altered his Conduct. As for my Clerk, he has openly declar'd that because I did not make him a Compliment of a Purser's Warrant, (which I am sure he never asked of me) he resolv'd to disserve me with the first Opportunity; and to that end took on in Mr. *D----'s* Service; not doubting, with the Help of his Friend the Surgeon, to do my Business, and be rewarded on that Account with a Pursership.

This was not simply unsupported conjecture on Middleton's part. Affidavits sworn under oath by a certain John Dewilde and a John Mackbeath support his claims of bribing by Dobbs. It is interesting to note that part of the "deal" with Rankin was that his known alcoholic excesses would be overlooked when it came to further promotion.

Thompson, the surgeon, and Wygate the clerk, already malcontents, and also John Rankin and Robert Wilson, master of *Furnace*, were presented with some markedly slanted questions about tides in Wager Bay and Roes Welcome Sound, salinities in Wager Bay, Middleton's dedication in pursuing his search and other matters. The answers of all but Robert Wilson are blatantly false and place Middleton in a very bad light. The implication was that he had found the Northwest Passage, was well aware of his discovery but had hoped to conceal it, presumably to protect the Company's interests, a further accusation being that his former employers had bribed him to act thus.

Early in May 1743, Dobbs laid a series of charges against Middleton with the Admiralty, who gave Middleton the opportunity to clear his name. Middleton dealt with all of Arthur Dobbs' confused and often insolent accusations point by point in a very patient manner. Only once does Middleton lose patience: on being accused of having not made a careful search of the coast from Cape Dobbs to Marble Island on his run south, Middleton asks:

Could the very knowing Mr. Dobbs imagine that the Ship was to coast a shore, where Land is as high as that over Torbay or Plymouth, in the manner Boats do, at half a Mile Distance, especially with a Wind, most part of the Time, two or more Points on the Shore, and a Tender which was a bad Sailor . . .?

By his otherwise patient and knowledgeable replies Middleton easily managed to convince their Lordships that he had carried out his orders conscientiously, and that there had been no evasion or dereliction of duty on his part. This was not the end of it, however. In an attempt to clear his name publicly, Middleton collected affidavits from seven former members of his expedition who impartially supported his own testimony, and published them, together with all of Dobbs' accusations, his own replies to the accusations and a vast amount of pertinent supporting detail in his *A Vindication of the Conduct of Captain Christopher Middleton* in 1743.

Despite the Admiralty's findings, despite his vast experience, and despite the country being at war, Middleton was not immediately given another command. One suspects Arthur Dobbs' influence. Not until 4 May 1745 was he given command of the sloop *Shark*. By one of the ironies of history, in the spring of 1746, *Shark* was on convoy duty, stationed at the Orkneys when one of the convoys she escorted included *California* and *Dobbs Galley*, outfitted by the unconvincible Dobbs to search once again for the Northwest Passage by way of Hudson Bay. Middleton's emotions, under the circumstances, can only be imagined.

In the summer of 1748 Middleton again found himself on the beach, on half-pay of 4s.0d. per day, and he was never to receive another command. He died on 12 February 1770 at Norton, County Durham.

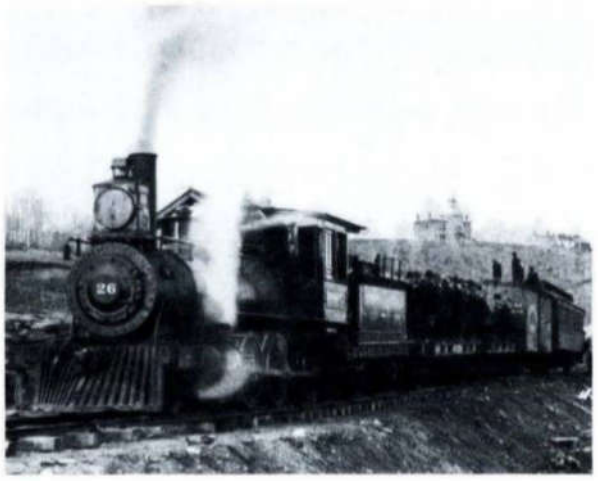
Sad as is this story of the truncation of a very promising career, even more regrettable is the oblivion into which Middleton's earlier achievements and particularly his explorations of the summer of 1742 have tended to sink. The fact that despite his very significant exploration achievements, his stature as a scientist, and his long and competent service in the employ of the Hudson's Bay Company his name appears nowhere on the map of Hudson Bay, is only part of the tragedy. The real tragedy lies in the shadow which was cast over his explorations despite the Admiralty's finding in his favour. When contemplating possible areas for further search for the Northwest Passage in 1821, Sir Edward Parry was able to write:

. . . the passage called Sir Thomas Rowe's Welcome, lying between Southampton Island and the coast of America, and Repulse Bay, appear to be the points most worthy of attention; and considering the state of uncertainty in which the attempts of former navigators have left us, with regard to the extent and communication of these openings, one cannot but entertain a reasonable hope, that one, or perhaps each of them, may afford a practicable passage into the Polar Sea.

Even after Parry had examined Repulse Bay the following year and fully commended Middleton's observations, the cloud continued to hang over Middleton's name. He is indeed the forgotten explorer. ♦

William Barr is Professor of Geography at the University of Saskatchewan, Saskatoon.

The Little Railway That Tried



but couldn't

By JOSEPH M. KIRMAN

It was Monday, 20 October, 1902. Mayor William Short had declared a civic holiday in Edmonton, for the first train to enter Edmonton was going to cross the bridge over the North Saskatchewan River and enter the city at about 3:45 p.m. Until now, those coming to Edmonton by train had to take the Canadian Pacific C. & E. branch line from Calgary, originally called the Calgary and Edmonton Railway, to neighbouring Strathcona on the south side of the river. They then had to go down to the river valley and take John Walter's ferry across the river to Edmonton.

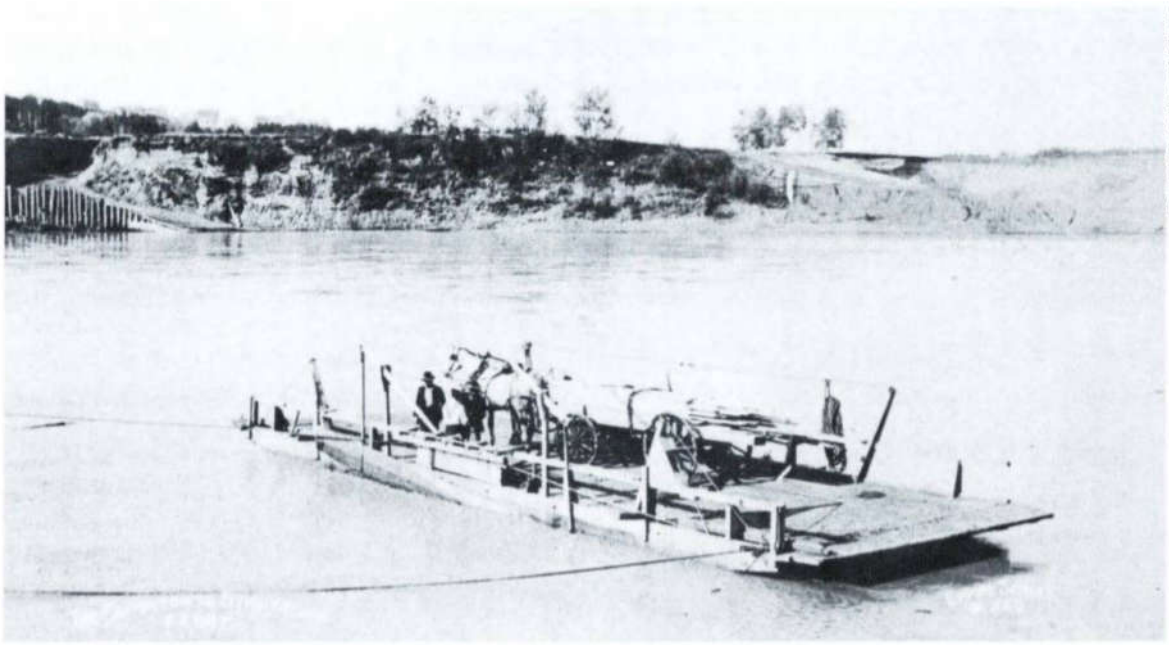
The C. & E. had a reputation for poor service and delays. Part of a poem published in the Edmonton *Bulletin* in 1893 went: "The C. & E. why bless your heart the 'catch me easy line'/That never broke its record yet by coming in on time". To this reputation was to be added the later charge of poor maintenance contributing to accidents between the years 1897 and 1903.

The Calgary and Edmonton line had been completed in 1891 and ran almost to the North Saskatchewan river valley escarpment. Its completion put an end to the Royal Mail and Stage stagecoach service from Calgary to Edmonton. For $25 one-way, a passenger could take the latter leaving Calgary on Thursday and arrive in Edmonton on Monday. By about 1896 the train also put an end to the steamships that plied the waters between Winnipeg and Edmonton. Prior to the steamships, freight was sent to Edmonton in Red River carts. Ox-trains were also used between Edmonton and Calgary.

Close to 4:00 p.m. Edmontonians on the south side of the railway bridge could see engine 26 of the Canadian Northern Railway driven by James Entwistle. It was hauling its tender, a freight car, one passenger car and two flat cars crowded with dignitaries and others enjoying the ride. The train had chugged through Mill Creek Ravine from Strathcona, a route which avoided the steep grade of the river valley, and rumbled over the bridge not too much later than the predicted time.

Although the rolling stock was CNR, the name of the line was the Edmonton, Yukon and Pacific Railway. It was called by some "the shortest road with the longest name", for it never got beyond Edmonton and by 1908 only had 27.61 miles of track. The bridge that it passed over was completed in 1900 and was later shared with the Edmonton Radial Railway street cars. The EY&P tracks were built by the Canadian railway moguls William Mackenzie and Donald Mann.

In Edmonton, the EY&P right of way swung southwest from the bridge across the river valley flat land and then turned westerly to begin a gentle grade up the river valley escarpment passing below old Fort



Provincial Archives of Alberta

The Edmonton-Strathcona ferry in the days before the trains came.

The Edmonton stagecoach leaving Calgary, 1890.

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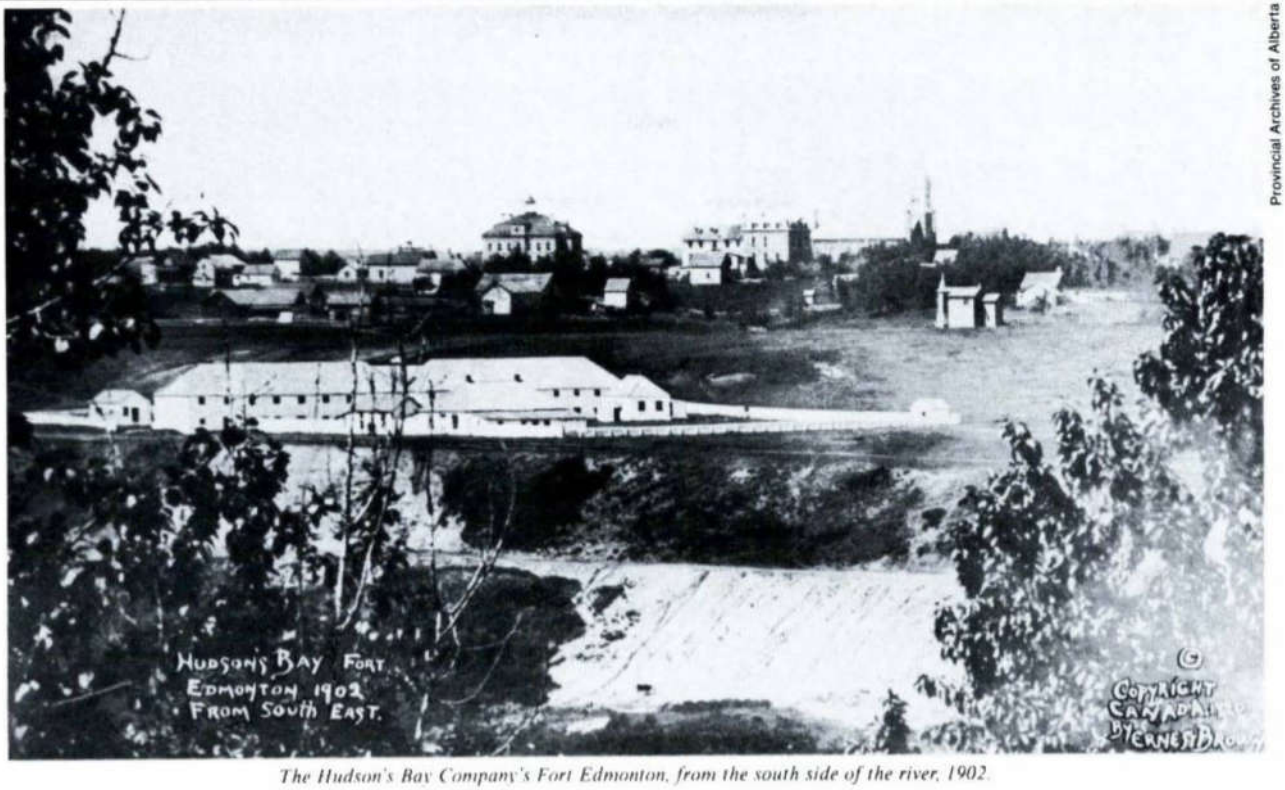

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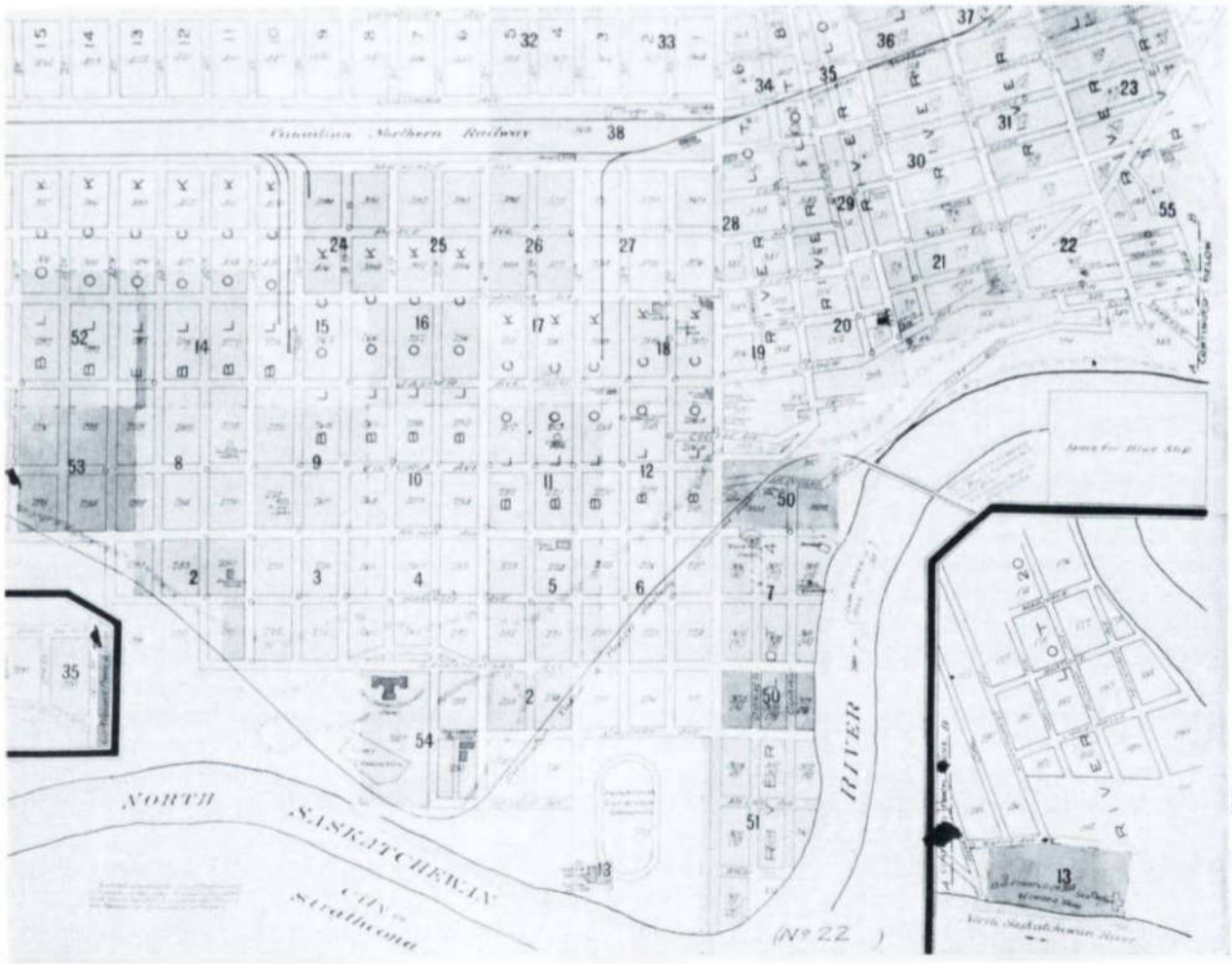
The Hudson's Bay Company's Fort Edmonton, from the south side of the river, 1902.

Turn-of-the-century street plan of Edmonton showing the route of the Edmonton, Yukon and Pacific Railway.



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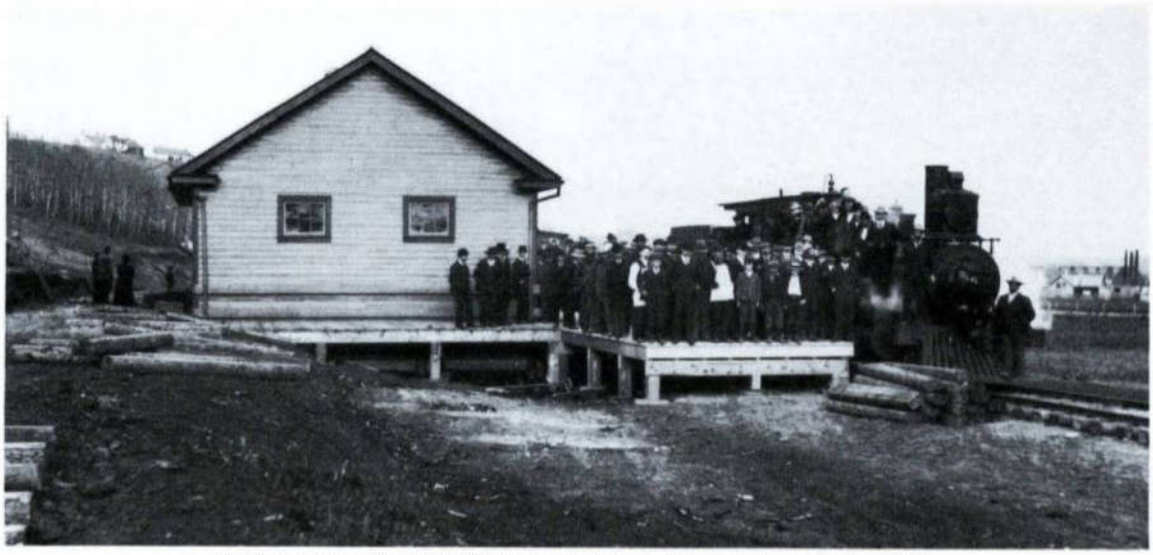

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The little train reaches its destination on its first run from Strathcona, October 1902.

Edmonton, and reaching the top at about today's 125th Street where it turned north. However, this second phase of the line going up the river valley escarpment and eventually reaching the nearby town of Stony Plain was completed in 1907. The Canadian Northern bought the EY&P in 1909. This purchase gave the Canadian Northern the EY&P charter to extend its tracks northwest of Edmonton, and to allow Mackenzie and Mann to protest the Grand Trunk Pacific Railway's right of way in the Yellowhead Pass based, in part, on the EY&P charter.

Strathcona did not easily relinquish its monopoly on being the terminal for Edmonton. A court order had been served on EY&P Manager W. J. Pace to prevent his crew from connecting a switch linking their rails to the Calgary-Edmonton branch line tracks of the CPR, and when he ignored the order, an attempt was made to have him arrested. To prevent the EY&P crew from working, the CPR ran a locomotive to the spot where the crew was trying to install the switch. A crowd from Edmonton turned up when they heard about the situation. Pace's crew then waited out of sight until that afternoon, when the CPR locomotive blocking the switch connection point was recalled to the roundhouse to allow a south bound train to pass. As soon as the south bound cleared the tracks, Pace signalled his crew who then ran out from hiding and connected the switch.

The citizens of Strathcona may have had the last laugh at Edmonton's expense. J. E. Duggan, son of J. J. Duggan, the Mayor of Strathcona in 1902, claimed his father told him that he and a group from Strathcona had crossed the North Saskatchewan River on a handcar before engine number 26 and were the first to enter Edmonton by train. A photograph shows Mayor Duggan with his group and the handcar near Donald Ross's Edmonton Hotel. However, there is no corroboration for the claim that Duggan's group was the first to cross the river by train.

Today, visitors to Edmonton will find that Strathcona is now a section of Edmonton's south side. The site of John Walter's ferry is now John Walter's Park with the homes he built for his family as museum sites. Nothing remains of the original ferry, but down a short trail to the river is the rotting hulk of the Holborn ferry brought to this location in 1964. Trains still run through Strathcona on the CP tracks, although the 1891 end-of-steel rails of the original Calgary and Edmonton branch near the river valley escarpment have been torn-up. Telegraph poles stand as lonely sentinels along the right of way, while two massive concrete end-of-rails blocks remain as a memorial to the past. The CPR's direct route into Edmonton over the High Level Bridge which opened in 1913 eliminated the need for the round-about ravine route of the EY&P. The railway bridge over the North Saskatchewan River still exists and is called the Low Level Bridge. A second bridge was built adjacent to it in 1949 as the original bridge could not handle two-way traffic due to its narrow width.

The little line continued on for more than fifty years, hauling coal to government power plants until the plants began using natural gas. Gainer's Packing Plant was the last to use the tracks in Mill Creek Ravine.

Visitors would also find that the Edmonton, Yukon and Pacific was taken over by the Canadian Northern Railway, and then the Canadian National. Eventually its tracks were torn up in the mid-1950s. The right of

Provincial Archives of Alberta

Dignitaries and the first passengers cross the Saskatchewan River into Edmonton, October 1902.

way through Mill Creek Ravine is still used, however. It is paved for walkers, joggers, and cyclists who can still enjoy the scenery of the ravine. Many of them are not aware that the wooden bridge they cross in the ravine is an original tressel built for the EY&P Railway, with surfacing laid down over the original ties which are still visible on its sides.

Today the name of the Edmonton, Yukon and Pacific Railway lives on in Fort Edmonton, where a vintage steam engine and cars provide a bit of nostalgia for visitors. Nothing remains of the old rolling stock, but a section of the rails, ties, spikes and joiners were salvaged from Mill Creek Ravine and re-laid in northeast Edmonton by the Alberta Pioneer Railway Association for their railway museum rolling stock. Everything else is a fading memory. ◆

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The Lost Inuit Of Franklin Bay

By DAVID MORRISON

When Europeans first explored the Western Arctic in the early nineteenth century, they found the largest and most politically sophisticated group of Inuit (Eskimos) in Canada living around the mouth of the Mackenzie River. Numbering about 2,500 people living between Cape Bathurst and the Alaskan border, the Mackenzie Inuit had developed a society and way of life which was both richer and more elaborate than that of the "snow house people" typical of most of the rest of arctic Canada. They lived in large villages with permanent log houses and community structures, hunted beluga and huge baleen whales, and had rich men of sufficient social power that they formed an incipient upper class.

Bellicose and proud, their major trade and social ties were with the Inuit of northern Alaska rather than with other Canadian Inuit, whom they considered to be (in the words of a nineteenth-century missionary) "outright savages".

Dividing the Mackenzie Inuit from their relatives in the Central Arctic was a large expanse of apparently unoccupied territory encompassing nearly the whole of Amundsen Gulf. The first European to visit the area was John Richardson, who in 1826 led a small Royal Navy party from the mouth of the Mackenzie River to Coronation Gulf. At the mouth of the East Channel of the Mackenzie he unknowingly sailed near the large village of Kittigazuit at the height of the July beluga hunt. Until it was abandoned in 1902, Kittigazuit was probably the largest village in arctic Canada, and there may have been about a thousand people congregated there that day. Mobbed by an estimated two hundred kayakers, Richardson and his crew barely escaped. Travelling east, he noted many smaller villages along the coast of the Tuktoyaktuk Peninsula, and major villages again at Point Atkinson and Cape Bathurst. But after recording two tents on the eastern coast of the Cape Bathurst peninsula, he saw no further signs of occupation until reaching Dolphin and Union Strait, almost two hundred miles away. Renewed exploration in the mid-nineteenth century presented a similar picture, of a dense Inuit population west of Cape Bathurst, and unoccupied territory east to the Coronation Gulf area.

Vilhjalmur Stefansson arrived in Mackenzie Inuit territory in 1906. By this time, their old culture and society had been almost obliterated through contact with western civilization, particularly as represented by the American Pacific whaling fleet. Epidemic diseases had reduced the population by an estimated 90%, alcohol abuse and prostitution were endemic, and everywhere cheap trade goods had supplanted the traditional tools of the Inuit. Belatedly, in 1903 the Canadian government established a North West Mounted Police detachment at Herschel Island, but the damage was already done. Such a decimated people and so well known a geography might seem to have presented the young and ambitious Stefansson with few challenges worthy of his considerable desire for fame. Certainly, his ambition eventually led him far beyond the Mackenzie region, to the "Blond Eskimo" of Coronation Gulf and the discovery of new lands in the High Arctic. But it was among the Mackenzie people that he first came to appreciate Inuit life, and where he made his first ethnographic studies. To a large extent, these focused on the "memory culture" of the past. Through the memories of his informants, Stefansson saved much of traditional Mackenzie Inuit life from oblivion.

Stefansson came to believe that Richardson and other Royal Navy explorers were not trustworthy observers of the nineteenth-century Mackenzie Inuit. In particular, he suggested that they sailed too far from shore to accurately determine which areas were occupied,

John Richardson's dramatic 1826 image of an abandoned Mackenzie Inuit village.

and which deserted. Instead of being unoccupied, according to Stefansson there was "a continuous chain of habitations" stretching east from Mackenzie Inuit territory to Langton Bay, and indeed as far as Coronation Gulf, at least as late as 1840.

He based this belief on two "facts". One was the presence of wood and sod house ruins all along the Amundsen Gulf coast. Stefansson had found many such house ruins on the course of his overland journey from the Mackenzie area to Coronation Gulf in 1911. Indeed, Richardson himself had noted "some old winter houses" at Cape Lyon in 1826, but felt them to have been long abandoned. Stefansson knew that the Mackenzie Inuit built and lived in permanent wood and sod houses, while the Copper Inuit of Coronation Gulf lived only in snow houses or tents. To him, these ruins were evidence that Mackenzie Inuit had occupied this coast at, he supposed, some not too distant date in the past.

Since Stefansson's journey, archaeologists working in other areas of the Arctic have identified a prehistoric Inuit culture known as Thule. This culture developed in Alaska and spread into Canada about a thousand years ago, and is the basis from which all subsequent Inuit cultures have developed, including both the Mackenzie Inuit and the Copper Inuit of the Central Arctic. Thule people lived in permanent houses made of sod and driftwood or, in some areas, whale bone, a trait which was retained by their Mackenzie Inuit but not their Copper Inuit descendants. Most archaeologists have assumed that Stefansson's Amundsen Gulf houses were of Thule affiliation, and too old to be of concern here. The only archaeologist to actually excavate in Amundsen Gulf, William E. Taylor, Jr., of the Canadian Museum of Civilization, found that the house sites he worked at all produced typical Thule artifacts.

Stefansson's other "fact" is more persuasive but less well appreciated. In Stefansson's day the most easterly Mackenzie Inuit village was at Baillie Island off Cape Bathurst. People living there told Stefansson that within living memory there had been a small group of people "like themselves" living in the Franklin Bay area, southeast of Baillie Island and within the western part

Iglulualuit excavations as seen from the air. The dark green splotches mark the location of collapsed houses.

of apparently unoccupied Amundsen Gulf. A number of villages were described, including one called Iglulualuit at the mouth of the Horton River, and others at Langton Bay and Okat on the western coast of the Cape Perry peninsula.

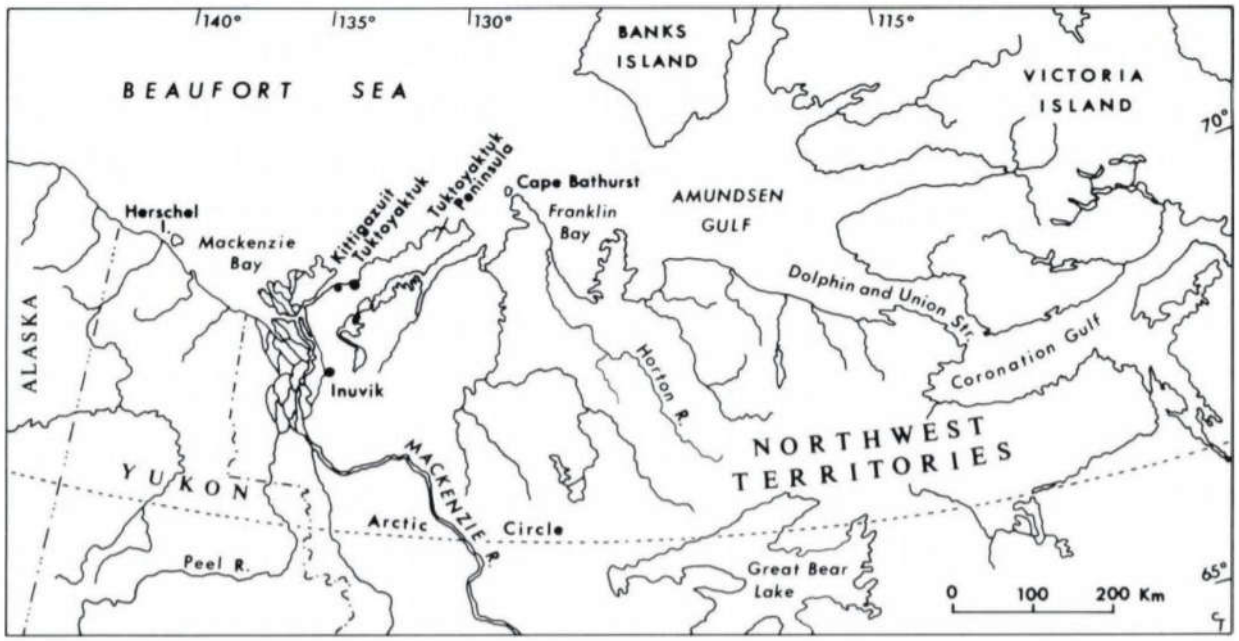
The major source of this information was a woman named Panigyuk, whom Stefansson estimated to be about 75 years old in 1911. She had been born in Langton Bay, and said that her village and others were abandoned due to an epidemic following on the heels of a starvation winter. These events happened between her birth and marriage. She and most of the other survivors moved to Baillie Island, probably in about 1845, since she saw Richardson on his second visit there in 1848. Unfortunately, Stefansson never met Panigyuk, but learned of her story only through native intermediaries.

In 1987 this writer led a small archaeological field party to Iglulualuit, the village site near the mouth of the Horton River mentioned in Stefansson's account. Our goal was to investigate the prehistory and even the existence of Stefansson's Franklin Bay Inuit, and this large and well-known site looked like a promising place to begin. The name Iglulualuit means "many houses", and according to Stefansson and other arctic travellers it was one of the largest archaeological sites in the Western Arctic.

On a perfect blue evening my crew and I watched the Twin Otter take off for Inuvik, leaving us perched atop a mountain of gear on the edge of the Arctic Sea. The Iglulualuit house mounds were spread before us along the seaward edge of a sloping, thinly vegetated plain. Parallel to the coast and about a kilometre inland stretched the famous Smoking Hills, so-called because of the spontaneous burning they support. They are composed mainly of silt, and the coastal plain at their feet is slowly being buried in a wash of silty clay. At the beginning of the season, our Twin Otter on its oversized tundra tires was able to land and take-off safely, although standing ground-water had kept the pilot from landing within 800 metres of where we wanted to camp (hence a feeling of mild dismay as we sat perched on our mountain of gear). At the end of the season, thawing in the active surface layer resulted in a deceptive quagmire which entrapped our returning Twin Otter for six hours while we frantically dug it out.

Fortunately, the site proved as large as we had hoped. Eventually we were able to find and map the ruins of thirty collapsed houses, spread out in a line along the coast. Most resembled a vague circular or clover-leaf shaped mound perhaps 25 centimetres high and ten metres across, with a slight central depression. Occasionally, a structural element of wood or whale bone

Above: Sod is removed in preparation for the excavation of a collapsed house. Below: The excavation proceeds. Collapsed wall posts are revealed and a sleeping platform made from poles.



stuck beyond the ground surface, and most houses supported a lusher growth of vegetation than the surrounding tundra. At the north end of the site were the remains of more recent occupations; standing buildings relating to a nearby DEW Line station, abandoned for 25 years, and the ruins of a trading post operated by Fritz Wolki just after World War I. Toward the mouth of the Horton we found a cross lying flat on the ground, inscribed "William John Seymour — Age 69 — Died 9/10/33." There was no body.

We were able to excavate two houses, gridding them off into two-metre squares to aid mapping, and then painstakingly revealing each building layer: the collapsed roof and walls; the sleeping platforms; and finally the floor. Throughout we were bedevilled by thick clay, poor drainage, and standing ground-water. Slogging along through heavy muck, we took a certain grim satisfaction in the number of broken whale bone mattocks we found, evidence that the Inuit house-builders who preceeded us had had an even harder time. Eventually work in both houses had to be abandoned because of heavy rain.

Enough was revealed, however, to show their basic structure. Both were built around a central living room about two-and-a-half metres square, dug about half a metre into the ground to help conserve heat. An entrance passage led in from one side. On each of the other three sides were sleeping platforms set in alcoves, 20 or 30 centimetres above the level of the floor. Roofs and walls were supported by a frame of large driftwood posts, covered with a thick layer of insulating sod. Floors were never fully exposed because of standing water, but were clearly made of logs adzed flat on their upper surfaces. Sleeping platforms were floored with smaller logs or poles, and would have been cushioned with heather and the family sleeping skins. On one platform we found the scattered partial remains of two people; an old person of undetermined sex, and a very young child.

The style of the Iglulualuit houses is like that known from the Mackenzie Inuit, who also lived in cross-shaped or "cruciform" dwellings. Most other Inuit lived in single-roomed sod houses with a rectangular floor plan, or in snow houses. The tools we recovered tell a similar story. Many are very similar to those found in recent sites in the Mackenzie area and further west in Alaska, quite different from those used by earlier Thule people or by the more recent inhabitants of the Central Arctic. Included are narrow bone and antler shanks for fish hooks, abundant crude pottery (Easterners used soapstone for pots and lamps), and particular types of harpoon heads, used in seal hunting. Indeed, the inhabitants of Iglulualuit do seem to have been "just like" the Mackenzie Inuit, as Stefansson's informants said. The only important difference seems to be the absence of fish netting, since netting gear was not found. Even this, however, agrees with the ethnographic accounts, since according to Panigyuk the Franklin Bay people did not use fish nets, although they knew that people living to the west of them did.

Above: Vilhjalmur Stefansson: Disputed theories. Below: A Mackenzie Inuit chief, drawn by nineteenth-century missionary Emile Petitot.

The exact dating of the Iglulualuit site has proved to be a problem. The style of the harpoon and arrowheads indicates a post-Thule date sometime after about A.D. 1400. At the same time, there was no evidence of contact with Europeans, in the form of iron trade goods or the blue grass beads that early historic Inuit so valued. This suggests a date before about 1800, since we know that the Mackenzie Inuit were already in possession of small quantities of Russian iron as early as 1789, when Alexander Mackenzie first reached their territory. Three radiocarbon dates from one house suggest that it was occupied between about A.D. 1450 and 1500. The second excavated house appears to be later, with radiocarbon dates averaging around 1750. It seems clear that neither was occupied during the lifetime of Panigyuk, and that the human skeletal remains relate to some disaster long before the final abandonment of Franklin Bay. At the same time, it is clear that the various houses at Iglulualuit were not all occupied at the same time. Somewhere at Iglulualuit, or at Okat or Langdon Bay, the latest occupied houses still await discovery and identification.

Tools and animal bones found at Iglulualuit allow us to reconstruct something of these people's way of life. Like most Inuit, the Franklin Bay people followed a mobile existence, moving from place to place with the seasons. Iglulualuit itself was clearly occupied during the winter, since the heavily insulated houses would have been unbearably close and wet during the summer. Other evidence points to the same conclusion. The Iglulualuit coastal plain provides excellent caribou hunting for a few weeks around the end of July. However, very little caribou bone was found in the houses. Even more compelling is the total absence of drinking water within a one-hour walk of the site. This would not be a problem during the winter, with its snow and ice, but would make life nearly impossible during the summer. We had to fly-in drinking water by helicopter.

According to Panigyuk, the Franklin Bay people sometimes hunted bowhead whales, as did the Mackenzie Inuit of Baillie Island. This hunt would have occurred during the month of August, when the whales migrate into Amundsen Gulf from the west. No direct evidence of whaling was found at Iglulualuit beyond a few large bones used in house construction, so it is likely that this whaling was conducted from coastal locations elsewhere in Franklin Bay. Other Franklin Bay people probably spent the summer in small groups in the interior, where they lived by hunting caribou and fishing.

The major activity at Iglulualuit was seal hunting. Panigyuk recalled that people congregated at Iglulualuit from all over Franklin Bay to hunt seals during the late winter and spring. We recovered abundant harpooning gear and large quantities of ringed seal

After a heavy rain the house pits quickly filled with water, making work hazardous.

bone. Other species found include caribou, dog, bearded seal, moose, muskox, fox, ptarmigan, a few ducks and geese, and a large bear which could be either a grizzly or a polar bear. But seal bone made up over 80 per cent of the total.

Our work at Iglulualuit helps to substantiate Stefansson's account. Inuit did occupy Franklin Bay during the late prehistoric period, and they had a culture and way of life very similar to that of their Mackenzie Inuit neighbours, so much so that they can be considered a branch of the Mackenzie Inuit. There is no reason to suppose that they did not continue to occupy the area into the nineteenth century, as Panigyuk described. What happened to them?

Panigyuk's account mentions starvation and disease, both of which are very difficult to investigate 150 years after the fact. Starvation, of course, can occur at any time, given the right circumstances. A disease epidemic, on the other hand, suggests a relationship with the rising tide of European exploration which was just then touching the shores of the Western Inuit world. The implied date of about 1840, however, is surprisingly early for a debilitating epidemic. Historic sources make no mention of major disease losses among other Mackenzie Inuit groups until the 1860s, and serious de-population does not seem to have occurred until the 1890s. It seems surprising that disease should first strike in Franklin Bay, so far from the Mackenzie River and its trading posts. How did this remote people succumb so completely at so early a date?

It is possible to speculate on the source of the epidemic. In the early 1820s the Hudson's Bay Company established Fort Good Hope a few hundred kilometres upriver from the Mackenzie Delta. By 1825 the Hare Indians trading into the fort were already ravaged by "a dreadful sickness . . . a contagious distemper." Franklin Bay Inuit must have been in contact with the Hare, who hunted to within 30 kilometres of the Franklin Bay coast along the upper Horton River. We also know that the Hare carried on an important trade with eastern Mackenzie Inuit groups from the 1820s until the 1860s, when the Hudson's Bay Company built Fort Anderson and destroyed their middleman position. They are presumably the source of any disease epidemic reaching Franklin Bay during this period.

But the epidemic did not wipe out the Hare, nor did it obliterate the Baillie Island people who were also trading with them. It may be that the Inuit of Franklin Bay were comparatively few in number, a community with just enough people to provide an adequate marriage pool and to undertake co-operative ventures such as whale hunting. Even minor losses may have been potentially disastrous, prompting the unnerved survivors to flee to their more secure neighbours in the west.

Certainly, the fate of the Franklin Bay people is a foretaste of the larger tragedy which overtook the Mackenzie Inuit in general. Within one lifetime, Panigyuk twice witnessed the destruction of her people. ♦

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The Orange and the Red

By Ed Rea

TOIL & TROUBLE
Military Expeditions to Red River
By George F.G. Stanley. Dundurn Press, Toronto and Oxford, 1989. 303 pp., illus. $17.97.

When historian George F. G. Stanley became The Honourable George Stanley, Lieutenant Governor of New Brunswick, a few years ago, none who knew him well thought for a minute that he had abandoned his first love — the writing of Western Canadian and military history. Now that his tour of duty in Government House in Fredericton is over, he has returned to writing books. *Toil & Trouble* is "traditional" history, by which Stanley seems to mean narrative exposition. It is concerned with the several military expeditions launched over the years from Canada to Red River for various purposes. But the centre piece is the Wolseley expedition of 1870, "the last British military operation in North America". If there is a subtheme in the book, it is surely the fate of the Métis — from the battle of Seven Oaks in 1816 to the establishment of Military District #10 in the mid-1870s — and their opposition to the incursion of outside jurisdictions.

Most of the story is devoted to the "toil and trouble" of moving troops (usually militia with only a minority of regulars) from Canada to Red River. Stanley delights in the daily minutiae of military life and we follow the men from reveille at 3:00 a.m. up and down the waterways and over the portages until they bed down in the evening to try to catch some restless sleep. We share their hardtack and mosquito bites, the numbing chill of wet clothes and the agony of the tump lines. This is Stanley at his best and this is the best telling of that dramatic story that has yet appeared. But the expedition must also be set in its political context and this aspect of the book is somewhat less successful, largely through omission.

Stanley accepts the conventional view that the Red River expedition of 1870 was created to dissuade American expansionists and to assuage the protests of Ontario Orangemen, outraged at the shooting of Thomas Scott. But there is little discussion of these issues. Was there ever any real danger of direct American intervention in Red River? On the Scott affair, Stanley comments that it was the "one single event that was to deprive Riel [of recognition] as the father of Manitoba". But he offers no explanation as to why Riel chose not to intervene in the decision of the Métis court martial. His attitude, perhaps, is made clear enough in his description of the choice of Sir Garnet Wolseley to lead the expedition. Wolseley was the darling of the Imperialists and "emphatically Anglo-Irish, Protestant, anti-Catholic, anti-French". It would have been interesting to learn the opinion of the 2nd (Quebec) Rifles of their commander. There is almost no attempt to gauge what must have been a considerable economic impact on Red River of the arrival of Wolseley's force or of its relationship to the crumbling empire of the Hudson's Bay Company. But these matters seem clearly to have been beyond Stanley's purpose.

Thomas Scott
from "Toil & Trouble"

The account of the second Red River expedition in 1871, the result of the anticipated Fenian "invasion", has never been told in detail before and is therefore welcome. It was mounted to indicate Canada's determination to hold the newly-acquired West, even though the mixed force of Ontario and Quebec militia did not arrive in Red River until six weeks after the threat had dissipated into farce. But it eventually resulted in the decision to incorporate Manitoba into Confederation militarily with the establishment of Military District #10.

Stanley has not been well served by his editor in this volume. There are far too many quite avoidable slips. But he has told his story well and the book will please all those interested in the details of the recurring military assaults on Red River.

Ed Rea is Professor of History at University College, University of Manitoba, Winnipeg.

Pioneers in Prayer Shawls

By Abraham Arnold

A COAT OF MANY COLOURS
Two Centuries of Jewish Life in Canada

By Irving Abella. Lester & Orpen Dennys, Toronto, 1990. 248 pp., illus. $35.00.

Irving Abella is a prize-winning historian who interrupted his academic work on the Jews in the twentieth century to write this survey pictorial book of Canadian Jewish history as a "companion volume" to the Canadian Museum of Civilization's touring exhibition "A Coat of Many Colours". He recently told a CBC interviewer that he wrote it to "make sure people know" the true story about the Jews in Canada. This statement recalls similar remarks by B.G. Sack, author of *History of Jews in Canada*, (1945 and 1965), whose work Abella praised "despite some inaccuracies" in an interview with *Canadian Jewish News* earlier this year.

Sack, the best known writer of Canadian Jewish history in the first half of the twentieth century, wrote that he set out "to discover — literally" whether there is a Canadian Jewish history and "to learn what our role has been" in this country so that "we should . . . know — and let others know as well." While Abella has eliminated many of Sack's "inaccuracies", he appears to be setting out to discover all over again that Jews do have a history in Canada.

In chapter one, "The First Generation" (1738-1810), he speculates, like Sack, about Jews who may have lived in Canada under French rule in spite of France's proscription against non-Catholics. He presents the facts about Abraham Gradis, the Jewish shipping merchant of Bordeaux who did business with the colony, in a context which makes it possible for the uninformed to conclude that Gradis was in New France. There is nothing in known sources to indicate that any avowed Jews preceded the British to New France.

In fact Abella gives the evidence as to why Jews "were forbidden to enter New France", but later he says "it appears there were Jews in Canada before the British arrived". Adding to the confusion is the book jacket which states: "Jewish fur traders preceded the arrival of the English in Upper Canada." The book points out however that this happened after 1760 but "before any British soldier . . . ventured . . . beyond the safety of Montreal."

Nonetheless, Abella is prone to embellish his speculation about Jews in New France. In another interview (*Books in Canada*, April, 1990) he says: ". . . when the British first landed in Louisbourg there was a Jewish family there to greet them." Checking the book's index one finds five references to Louisbourg. The first page cited does not mention Louisbourg. The only significant mention of Louisbourg suggests that some "typical Jewish names and even a 'street of Jews' " have been found in parish records. Some of these alleged Jews may have been Huguenots, who had similar names. But the book does not mention a Jew being present to greet the British on their arrival.

The Coat of Many Colours is a very readable book but sometimes Abella's survey writing and condensation of events leads to confusion. In chapter four for example, "Pioneers on the Pacific", (1858-1890), he begins to relate the experience of Selim Franklin, an English-born Jew, who was elected to the Vancouver Island legislature in 1860.

In the midst of discussing Franklin, Abella recalls that a year earlier Governor James Douglas had "introduced a bill" to naturalize aliens which included the troublesome words "on the true faith of a Christian". Abella has overlooked the fact that Vancouver Island and British Columbia were then separate crown colonies. The latter had no assembly and was under the direct rule of the governor. The "bill" for naturalization was really a proclamation for the B.C. Mainland only. Very few Jews were then living on the Mainland. They were almost all in Victoria. Thus the 1859 edict did not directly affect them.

Abella also says Douglas "had second thoughts" about his "aliens" proclamation. In fact, Judge Matthew Begbie, the first judge for the Mainland colony, had immediately told the governor about the oath problem and advised him to issue a second proclamation to deal with it, right after the first one. This did not affect Vancouver Island however, where a naturalization law was not adopted for several more years.

In the Vancouver Island assembly in 1860 Selim Franklin also had a problem with the Christian oath of office, like Ezekiel Hart before him

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in Lower Canada, but the results were different. However, Abella's condensed version of what happened to Franklin leads him to a misinterpretation. David Cameron, the Vancouver Island chief justice, did rule in Franklin's favour, as Abella suggests, but this did not save Franklin. The worthy legislators of 1860 did not allow the judge's report to be tabled and it got lost in the archives for many years. Selim Franklin was made to feel very uncomfortable in the assembly until the legislators passed their own oath amendment bill.

Abella's chapter on the Pacific Coast demonstrates further that literate survey history does not necessarily produce enlightening interpretation. What are we to make, for example, of his description of Selim Franklin's legislative career as "spotty"? That word could hide a multitude of political "sins" or, unpopular views.

We are also told that Selim's brother, Lumley Franklin, was elected Mayor of Victoria and was a "forceful advocate" of B.C.'s entry into Confederation. Then Abella states that Henry Nathan, the first Jew to sit as an M.P., was "even more active" for Confederation. This is uncertain, however, since Nathan was a protégé of Dr. J.S. Helmcken (son-in-law of former Governor Douglas), who was known as an opponent of Confederation until the very last moment. There were also some Jewish businessmen in Victoria who were American citizens and supported annexation to the U.S. Abella has thus overlooked more intriguing elements in the experience of pioneer Jews on the West Coast.

In chapter five "Conquering the Prairies" (1880-1910), Abella fails to make adequate use of historical data available to him. He says Alexander Galt pleaded for two years for land for the Jews who were sent to the West in 1882. He also says a government official found land for them at Moosomin in 1883, even while noting they did not get to the land until May 1884. He overlooks the fact that the Moosomin site was not confirmed until Galt wrote to the government again on 1 April 1884.

The most serious failing in the Prairies chapter is on the role of the London Jewish financier and philanthropist Herman Landau, who, through the CPR, placed a few Jews on farms at Wapella in 1887. Abella says it was Landau who persuaded Baron Maurice de Hirsch to support Jewish land settlement in Canada. This was in 1891, when the baron founded the Jewish Colonization Association. Except for Landau's own statements, however, there is no evidence that he had any discussions with the baron or had any connection with the JCA. And there is no reference to Landau in the biographical works on Baron de Hirsch or in a recent history of the Jewish Colonization Association.

Abella also says Landau had a private meeting with Sir Wilfrid Laurier in London in 1896, where he obtained assurance from the Canadian prime minister that Jewish settlers would be welcome. This is linked with the efforts of the JCA to settle a new group of Romanian Jews in the West in 1900. The Laurier "promise", given currency by Landau himself in 1906, was quickly denied by the Canadian prime minister. Moreover Abella's claim that Laurier differed with Clifford Sifton on the latter's opposition to granting Romanian Jews land in the West in 1900 is unsubstantiated. In fact the National Archives confirms that Laurier sent on to London Sifton's memorandum which said the government view was "adverse" to the JCA's proposal. By the time the message reached London however some of the Jews were on the high seas and the government reluctantly agreed to accept a few of them.

Abella's treatment of women's activities is less than satisfactory. He praises women for their early efforts in philanthropy. But earlier he says the women in Montreal started a "ladies' auxiliary", to the Young Men's Hebrew Benevolent Society in 1877. This was really a separate and autonomous Ladies' Hebrew Benevolent Society which co-operated with the YMHBS. In Toronto he gives 1878 as the date of the first Jewish women's group but it was actually started 10 years earlier. And when he cites the establishment of the National Council of Jewish Women in 1897 he fails to note its significance as an advance over ladies' benevolent groups.

Abella comes into his own when he moves into the twentieth century, the period for which he has been doing extensive research. From a Jewish point of view the twentieth century is engrossing, disturbing and exciting. In the early decades the Canadian brand of anti-Jewish racism began to make itself felt. Although it was anti-Semitism without *pogroms* it had a virulence which was often far from subtle. The worst part of it was the way in which Jews seeking to escape from Nazism were barred from Canada. Anti-Semitism, particularly in the upper echelons of Canadian society, was not eliminated until after World War II. Perhaps this is why a professional historian like Irving Abella feels moved to re-tell once again the story of the Jewish contribution to Canada.

A Coat of Many Colours, the book, is at its best in the last three chapters. Here Abella tells a compelling story of twentieth-century developments within the Jewish community, in addition to its relations with the government in trying to bring in more Jews. He covers the political movements of the Jewish community from Zionism to socialism and anarchism, the struggle of Jews in the labour movement and

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the tensions and conflicts of ideological and class differences.

Abella makes another slip in his last chapter. Discussing Jews in literature, he recalls some names from the nineteenth century, including David Ansell. Ansell is best known as a leader in the Montreal Baron de Hirsch Institute, but Abella cites him only for a book "on the future of the British Empire". He also states Ansell was appointed as Canada's "consul general in Mexico". In fact he was named consul general *for* Mexico *in* Canada.

The writing in this book is very colourful and one might call it history through a kaleidoscope. This may be appropriate for the exhibition "A Coat of Many Colours", but is it sound and definitive history? As the first academic and the best known writer to date to publish a general history of the Jews in Canada, Abella's book will likely reach a wider audience than previous works on this subject. His responsibility was therefore all the greater to produce a book fully grounded in historical verity and integrated into Canadian history as a whole from beginning to end. In this he is found wanting. We still await a fully documented, analytical and integrated Canadian history of the Jews for the eighteenth and nineteenth centuries. It is hoped that Abella will yet produce such a fully developed work on Canada's Jews in the twentieth century.

Abraham Arnold is the co-author of "Jewish Life in Canada" (1976).

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THE PACKET

Letters, Notes and Opinion

Mackenzie Remembered
By Robert Legget

In mid-July 1789 Alexander Mackenzie, then a young fur trader in his 26th year, spent two nights and a day on Garry Island at the extreme northern tip of the great delta of the river that now bears his name. In his Journal, he called it Whale Island because of the large number of white whales which he and his men had seen in the waters around the island, but modern studies suggest beyond doubt that it was the Garry Island of today. Mackenzie had just completed his remarkable journey from Fort Chipewyan in search of "Cook's Great River". Since he did not find this, it is said that he described "his river" as the River of Disappointment. Later explorations have shown that it was the northern section of what is today known as the Mackenzie River system, twelfth largest in the world.

His complete journey, from Fort Chipewyan to the Arctic coast and back, involved a journey of about 3,200 miles. This he and his men accomplished in 102 days, with no loss of life or serious injury, aided by generally friendly Indians encountered along the route. This constituted one of the greatest canoe journeys on record. One might have expected Canada to have given some recognition to the bicentenary of this feat. So far as can be ascertained, the issue by the Royal Canadian Mint of the 1989 silver dollar, bearing a picture of Mackenzie, his voyageurs and his Indian companions, is the only permanent bicentennial memorial in Canada of Mackenzie's first great journey.

This country, however, is not given to "hero-worship" or to marking such personal accomplishments. Rather do we celebrate political events, such as the bicentenary of the establishment of the province of Ontario (although unfortunately in the wrong year). As it is, there are far too many well informed Canadians who are not even familiar with the name Alexander Mackenzie: either the great fur trader-explorer, or his namesake the second Prime Minister of Canada who, by a strange coincidence, was born in the same village as that in which the explorer died in 1820. The explorer was then on his way back to his small estate at Avoch, north of Inverness, from Edinburgh where he had been receiving medical treatment. It is thought that he died of Bright's disease occasioned by his arduous travels as a young man.

Not only did he make his remarkable journey down the Mackenzie River in 1789 but, after getting some training in navigation, he was back again at Fort Chipewyan in 1792, spending that winter at Fort Forks on the Peace River with a small group of men (including two of the voyageurs who had been on the Mackenzie River with him), proceeding to the West in the late spring of 1793, reaching the Pacific coast on 22 July, the first white man known to have crossed the continent north of Mexico. And this was twelve years before the much better publicised Lewis and Clark expedition, the idea for which might possibly have come to President Thomas Jefferson from his reading of Mackenzie's *Journals*, published in London in 1802, an early copy having been purchased by the president.

Hope had been entertained that some permanent marker might have been erected on the Mackenzie River in July 1989. But the Northwest Territories Council was not sympathetic to the idea, the decision being made to mark the bicentenary with a major canoe race down the river, with local celebrations at communities along its length.

Mackenzie was not completely forgotten in the rest of Canada in July 1989. A group of twenty-five students from Lakehead University, under the leadership of Professor Jim Smithers repeated Mackenzie's canoe journey, starting at Fort McMurray.

Far across the sea, at Avoch in the north of Scotland, 15 July 1989 was marked by a ceremony at Mackenzie's grave.

Mackenzie lived in the United Kingdom after his last major stay in Canada in 1808. He had a house in London where one of his first visitors was Lieutenant John Franklin R.N., who came for advice about reaching the Arctic Ocean down the Mackenzie River, which he did in 1821. Sir Alexander, as he had become in 1807, married a distant cousin, Geddes Mackenzie in 1812. They had three children but there are today no direct descendants. Through his wife, he purchased the small estate of Avoch, about ten miles northeast of Inverness, and there the family settled. At his death, his body was returned to Avoch and buried in the local churchyard. Lady Mackenzie lived until 1860 and her body was buried in the same grave as were those of two of their children. Two grey granite headstones record the deaths, the stones being built into the west wall of a neat walled enclosure, entered through a gateway in the south wall.

For many years, the grave has been tended by a man of the village, Gregor Macintosh, and his wife Annie. Although they knew little about Canada at first, or about Mackenzie, they knew that he was a great man, his grave worthy of the attention they gave it. They hoped that one day somebody from Canada would turn up. Occasional visitors from Canada did come to see the grave. In 1986 three such visitors were Dr. and Mrs. R. V. V. Nicholls, late of McGill University and Montreal and now residents of Merrickville, Ontario, and Hugh McMillan of the Ontario Archives in Toronto. They were all impressed by the beauty of the setting of the grave, the graveyard high on a hill overlooking the Moray Firth, and by the attention given to the grave by Mr. and Mrs. Macintosh.

One of the Lakehead University canoes on its way down the Mackenzie, summer 1989.

Later that year, Dr. Nicholls told me about the grave and so in April 1987, when visiting members of my family in Edinburgh, I managed to make a brief visit to Avoch. This was a moving experience for me but as I studied the headstones I found myself saddened and puzzled by the absence of any reference to Canada or even to British North America. The inscription for Sir Alexander merely says that he was: "The Explorer of the North West of America and discoverer of the Mackenzie River".

Standing there, on that lovely spring day, I decided that I would do my best to have something done.

Upon returning to Canada, I found that my feelings were shared by other Canadians. I therefore approached the Secretary of the Historic Sites and Monuments Board who gave me a most sympathetic hearing. I was encouraged to prepare a submission to the board even though to get one of the well-known bronze plaques of the Board for the grave would mean violating two of the board's guiding policies — no plaques outside Canada, and no plaques on graves except those of the Fathers of Confederation. The necessary brief was prepared and submitted in time for consideration by the board at its meeting in November 1987. Instead of rejecting the submission out of hand, the board agreed to have their policies reviewed to see if there was need for any change.

This was done during 1988 and so my request came before the board at its meeting in November of that year. The operating policies were confirmed and so the submission was rejected.

The Historic Sites Board had already recognised Mackenzie's explorations in Canada, not only by a plaque at "Mackenzie's Rock" at Bella Coola, but also by the erection of a plaque at Fort Providence on the bank of the Mackenzie in the North West Territories. Recognition of Mackenzie at his grave in Scotland, however, would have to be achieved in some other way.

If a plaque was to be obtained and installed for dedication on 15 July, time was running short. It would have been possible to raise the necessary funds from private sources but all concerned were agreed that, if at all possible, it should be an official plaque from the Government of Canada. An appeal was therefore addressed to the Commissioner of the Northwest Territories, John H. Parker (now retired but still active in Northern affairs) since the Mackenzie River lies wholly within the Territories. He indicated that he would be glad to help, having some funds available.

Then things began to move. The Department of External Affairs gave the venture its "blessing"; the High Commissioner for Canada in London expressed his interest; the staff of the Historic Sites Board shared their experience in procurement; the Department of the Secretary of State was helpful in several ways, checking the inscription and having it translated (my main mistake being that I quite forgot to have it translated into Gaelic!) and in facilitating transport of the crated plaque (weighing 125 lb.) to London by courtesy of the Air Transport Command. Once at Heathrow, the awkwardly shaped crate was speedily delivered to Avoch. A mason was standing by and very soon had the plaque in place, well secured in a niche in the north wall of the grave's enclosure.

We assembled at the grave on the morning of 15 July, exactly two hundred years since the day that Mackenzie and his men spent on

The author (left) and dignitaries with the plaque.

Whale (Garry) Island at the end of their journey down the great river. A Canadian flag flew over the grave, being later flown from the village flagstaff for a week; another hung over the plaque. Just inside the Churchyard a "guard of honour" was lined up, consisting of all the Brownies of Avoch, with some Guides. Pipe Major Andrew Ventners was in attendance. Promptly at eleven o'clock, George Finlayson of the district council started the proceeding with a speech of welcome in which he sketched Mackenzie's career, with special reference to his journey down "his river".

The Honorary Consul for Canada in Glasgow, Duncan J. McKichan (in the absence of the High Commissioner, who was out of the country) unveiled the plaque. A prayer of dedication was said by the Reverend Allan MacArthur. Pipe Major Ventners played the Mackenzie Gathering Piobaireachd and the company dispersed. Some visited all that is now left of Avoch House — the gatehouse only since the house burned down many years ago.

Signs have been erected on the road leading to Avoch indicating the location of the graveyard and Mackenzie's grave. On the wall surrounding the grave visitors now find a fine bronze plaque with the Canadian coat-of-arms at the top and this inscription in both the official languages of Canada under the name, Sir Alexander Mackenzie:

> In mid-July 1789 Alexander Mackenzie reached the shore of the Arctic Ocean from Fort Chipewyan on Lake Athabasca, having traversed the great river that now bears his name. He returned safely on 12 September, after having travelled by canoe more than 3,000 miles in 102 days, assisted by friendly Indians and propelled by four French Canadian voyageurs. In 1792 he left Fort Chipewyan again, wintered on the Peace River and, once more guided by Indians, reached the Pacific Ocean at Bella Coola on 22 July 1793, the first explorer to cross the continent. He returned safely again to Fort Chipewyan with all his party.

Robert Legget is the author of the recently published "Ottawa River Canals and the Defence of British North America" (University of Toronto Press). He lives in Ottawa.

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The Case of the Vanishing Church

National Archives of Canada

Whatever happened to Zion Church? In our Toronto panorama article (The Beaver June/July 1990) a picture on page 32 claimed to show, among other things, old Zion Church as it appeared in the Armstrong, Beere and Hime photographic panorama made in 1857 as part of Toronto's bid to become seat of government for the two Canadas. Somewhere along the production line, however, Zion Church was cropped out of the picture. The view is reprinted above, with the spire of old Zion Church rising above Toronto's 1857 skyline where it belongs.

"We have met the enemy . . ."

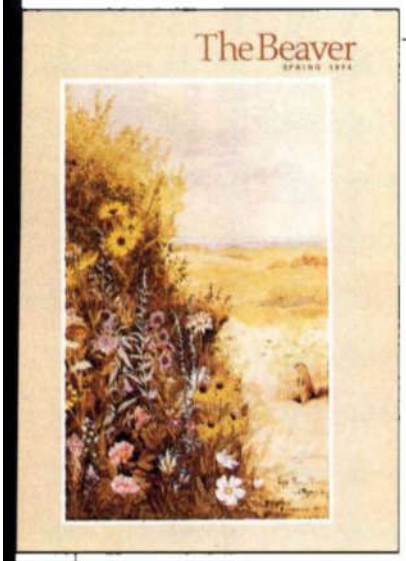
Your April/May 1990 issue was outstanding. I especially enjoyed Bob Malcomson's piece on the war on the lakes. Alas, though, he is at sea when it comes to American patriotic catchphrases.

Oliver Perry did not say "Don't give up the ship." That was uttered by Captain James Lawrence. Perry's quotable phrase was "We have met the enemy and they are ours."

John H. Wilde,
Due West,
South Carolina,
U.S.A.

The editor of "The Beaver" welcomes contributions to The Packet. Comments on articles, observations on historic events and fresh information from unpublished sources are particularly encouraged. Letters may be edited for length.

Commodore Oliver Perry: Fighting words . . .



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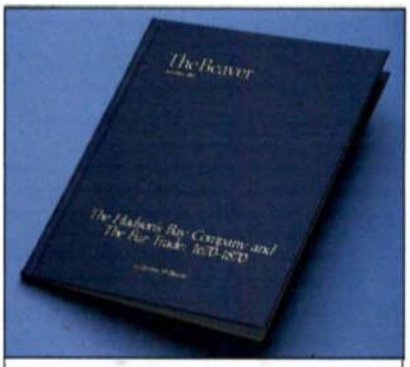

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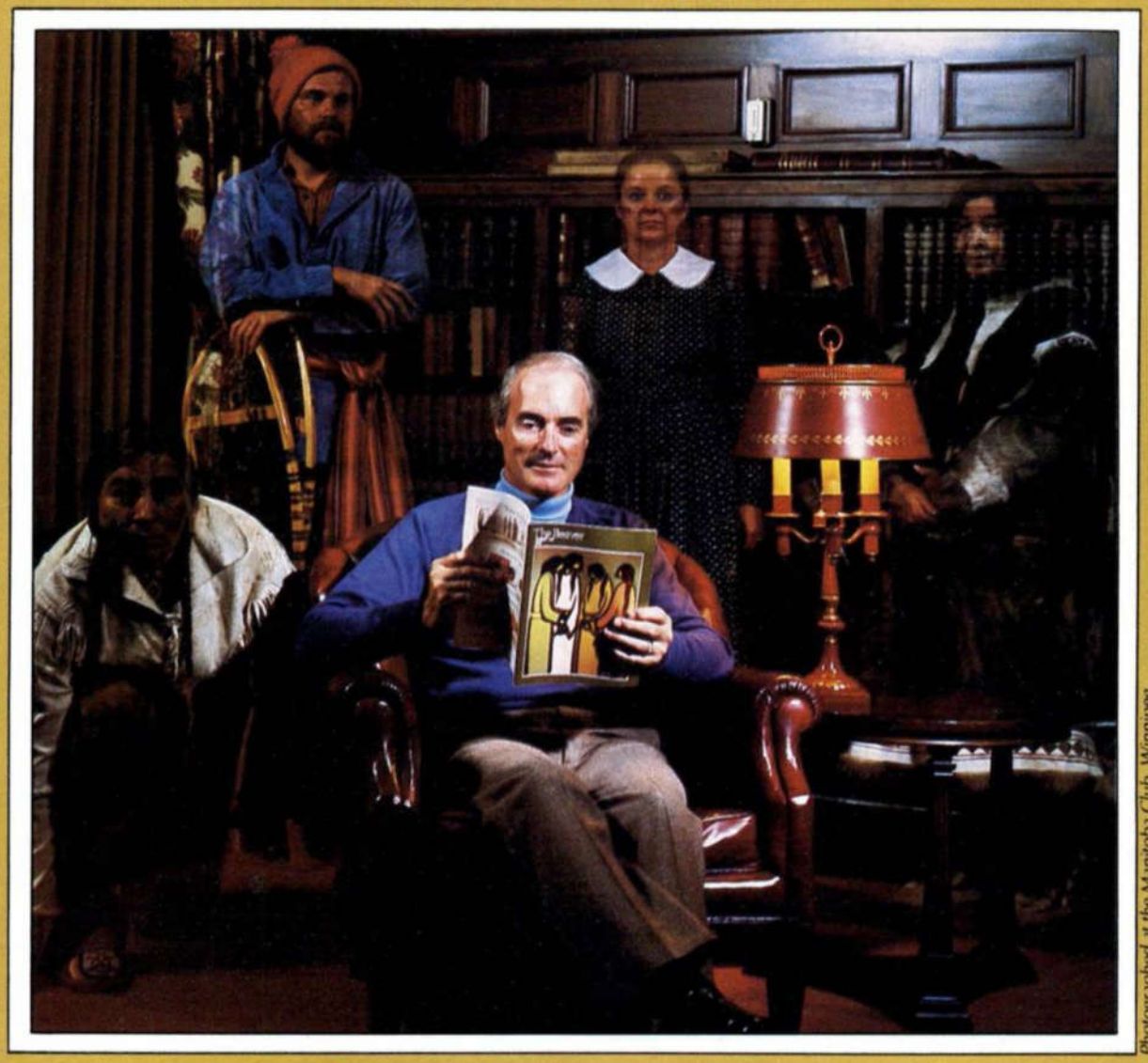

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